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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RSA 23/2013

INDRAPRASTHA ICE & COLD STORAGE PVT. LTD.

..... Appellant

Through : Ms.Chandrani Prasad, Advocate.

versus

SUNIL BHATIA & ORS.

..... Respondents

Through : Mr.Sanjeev Sindhvani, Sr.Advocate with

Mr.Sanjay Dua, Advocate for R1.

Mr.N.Rai, Advocate for R2 to R4.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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04.12.2017

1. By an order dated 03.08.2017, it was agreed that the appellant be given an opportunity to lead additional evidence before the Trial Court to prove the resolution to institute the suit. The matter was adjourned to 04.09.2017 with direction to the parties to place on record additional evidence sought to be produced by them before the Trial Court.

2. It is informed today that pursuant to the said orders the affidavits have been filed by the appellant and respondent No.1.

3. Learned counsel for the respondents No.2 to 4 does not wish to file any formal affidavit. He adopts the contents of the affidavit filed on behalf of respondent No.1.

4. With the consent of the parties, the appeal stands disposed of with permission to the appellant to lead additional evidence before the Trial Court for limited purpose of proving resolution to institute the suit. The parties shall restrict their evidence to the contents of the affidavits filed by them.

5. The parties shall appear before the Trial Court for leading additional evidence on 13th December, 2017.

6. Trial Court record, if any, be sent back along with copy of the order.

S.P.GARG, J

DECEMBER 04, 2017 / tr