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

+ CM(M) 134/2017 and CM Nos. 4297-99/2017

SATISH RAMPRAKASH KHANNA Petitioner
Through Mr. Prasouk Jain and Mr. Karan Sinha,
Advocates.

versus

M/S ROSHAN TEXTILES & ORS Respondents
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
03.02.2017

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1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to challenge the order dated 11.11.2016.
2. On 11.11.2016, the arguments were going on before the trial court regarding the territorial jurisdiction. The respondent had relied upon a judgment of this court in the case of *Inderpal Juneja vs. Commercial Bank Employees Cooperative P&C Society Ltd., 2014 SCC online Del. 4377* which upheld the order passed by the trial court on an application under Order 7 Rule 10 CPC. The trial court however noted that the text of the judgment relied upon by the respondent does not contain any reference to the facts of the case as to whether Criminal Court at Rohtak issued summons to the petitioner at Delhi. It also noted the judgments of the Mysore High Court and Rajasthan High Court which seem to have taken a different stand.

It was in those facts that the trial court directed the respondent to get the copy of the said petition i.e. CM(M) 81/2014 decided on 26.08.2014 and in case, the respondent is unable to obtain the copy of the petition, liberty was given to the respondent to move an application for issuance of Robkar for summoning the file from the record room.

3. In my opinion, the trial court has merely exercised its discretion to summon a particular file whose judgment is relied upon by the respondent. The trial court wants to summon the file only for the purpose of ascertaining the background facts of the case. I do not see how the petitioner can be prejudiced by such an order. There are no reasons for this court to exercise its supervisory powers under Article 227 of the Constitution of India and interfere in the said order.

4. The petition is without any merit and is dismissed. All pending applications also stand dismissed.

JAYANT NATH, J

FEBRUARY 03, 2017
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