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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 133/2017 & I.A.Noss.2248/2017, 2250/2017

INDANI GLOBAL PRIVATE LIMITED & ANR Plaintiffs

Through Mr.Sanjeev Narula with
Mr.Anshuman Upadhyay and
Ms.Anumita, Advocates.

versus

NEERAJ KUMAR VISHNOI & ANR Defendants

Through Ms.Deepika V.Marwaha with
Ms.Worthing Kasar and Mr.Vaibhav
Ashtna, Advocates for D-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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03.07.2017

Learned counsel for the plaintiff states that during the pendency of the present proceedings, the bank guarantee in question has been encashed. He, however, states that as the bank guarantee has been wrongly encashed, the plaintiff wishes to amend the suit to substitute the present suit for declaration and permanent injunction with the relief of recovery of money as well as a declaration that the bank guarantee in question had been wrongly encashed.

In the opinion of this Court, the present suit which is a suit for declaration and permanent injunction needs to be drastically amended. Since each and every averment in the plaint would have to be virtually amended, this Court disposes of the present suit with liberty to file a fresh suit on the same cause of action.

Since issues have not been framed in the present case, Registry

is directed to issue a certificate authorising the plaintiff to receive back from the Collector the full amount of the Court-fee paid by it in respect of the present suit.

With the aforesaid liberty and directions, the present suit and pending applications stand disposed of.

MANMOHAN, J

JULY 03, 2017
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