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

+ **FAO(OS) 475/2013 and CM APPL. 16660/2013 (stay)**

S TECH INFO PVT LTD Appellant

Through: Mr Rajesh Gupta and Mr Harpreet Singh,
Advs.

versus

LORD KRISHNA BANK LIMITED Respondent

Through: Mr Ateev Mathur and Ms Jagriti and
Mr A.P.S. Sehgal, Advs.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **23.08.2017**

1. The appellant is aggrieved by the impugned judgment dated 14.08.2013 passed by the learned Single Judge in CS(OS) No.608/2008, allowing an application (IA No. 12944/2008) filed by the respondent under Section 14 of the Limitation Act praying *inter alia* for condonation of delay in filing its counter-claim.

2. Learned counsel for the respondent states that much water has flown under the bridge thereafter inasmuch as the suit instituted by the appellant and the counter-claim filed by the respondent have been finally decided on merits vide judgment dated 26.04.2017.

3. Mr Gupta, learned counsel for the appellant states that aggrieved by the said judgment, the appellant has already taken steps to challenge the same by filing two connected intra-court appeals which are yet to be

listed for admission.

3. Having regard to the fact that a judgment has been pronounced by the Single Judge deciding the suit filed by the appellant and the counter-claim filed by the respondent and further, taking into consideration the fact that the appellant has sought legal recourse by filing an appeal and has taken grounds therein with regard to the non-maintainability of the counter-claim filed by the respondent including those taken in this appeal, the present appeal is disposed of with liberty granted to the appellant to take all the pleas as may be available to it in law, to assail the order dated 14.08.2013 that has finally merged in the judgment dated 26.04.2017, in accordance of law.

4. The appeal is disposed of along with the pending applications with the above directions.

HIMA KOHLI, J

DEEPA SHARMA, J

AUGUST 23, 2017

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