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

+ CM(M) 913/2017 & CM No.30558/2017 (for stay)

M.S. ENGINEERS Petitioner

Through: Mr. Dinesh Kumar, Adv.

Versus

ADHUNIK INC. (DELHI) Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **12.10.2017**

1. This order is in continuation of the earlier order dated 25th August, 2017.
2. The Court Master has reported that the respondent was served by ordinary process on 25th September, 2017 and the counsel for the respondent was also served on 23rd September, 2017.
3. The counsel for the petitioner has also filed affidavit of service.
4. None appears for the respondent. The respondent is proceeded against *ex-parte*.
5. For the reasons stated in the order dated 25th August, 2017, this petition is allowed to the extent that the petitioner/defendant is granted an opportunity to file written statement to the amended plaint but only to incorporate the plea therein of the suit, by the respondent/plaintiff stated to be a partnership firm, without the said partnership firm being registered

under the Partnership Act, 1932 is barred by Section 69 of the Partnership Act.

6. The petitioner/defendant to file the amended written statement with advance copy to the counsel for the respondent/plaintiff along with a copy of the order dated 25th August, 2017 and today's order on or before 31st October, 2017.

7. The petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J.

OCTOBER 12, 2017

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