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

+ CM(M) No.921/2017

INTER IKEA SYSTEMS B V

..... Petitioner

Through: Mr. Aditya Verma and Ms. Paulami
Ganguly, Advs.

versus

FABRIKA INTERNATIONAL & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **21.09.2017**

1. This order is in continuation of the earlier order dated 30th August, 2017.
2. Though the respondents are reported to be unserved but the counsel for the petitioner / plaintiff has filed an affidavit of service and the counsel for the petitioner / plaintiff today also before the Court states that both the respondents have been served.
3. There is no reason to disbelieve the counsel or the affidavit.
4. None appears for the respondents.
5. This petition under Article 227 of the Constitution of India impugns the order [dated 26th April, 2017 in TM No.8/2016 of the Court of Additional District Judge (ADJ)-02, South District, Saket Courts, New Delhi] of dismissal of the application of the petitioner / plaintiff under Order VII Rule 14 of the CPC.
6. The counsel for the petitioner / plaintiff, on enquiry, states that as yet, issues have not been framed in the suit.

7. The learned ADJ appears to have misread the application and which is the only reason given for dismissal thereof.
8. The petition is thus allowed and the impugned order is set aside. Resultantly, the application of the petitioner / plaintiff under Order VII Rule 14 of the CPC stands allowed.
9. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 21, 2017

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