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

+ **CS(OS) 396/2017**

**EICORE TECHNOLOGIES PRIVATE
LIMITED & ORS.**

..... Plaintiffs

Represented by: Mr. Rajiv Nayar and Mr.
Darpan Wadhwa, Sr.
Advocates with Mr. Dharendra
Negi, Mr. Rajat Joneja,
Advocates.

versus

**EEXPEDISE TECHNOLOGIES PRIVATE
LIMITED & ORS.**

..... Defendants

Represented by: Mr. Sandeep Sethi, Sr.
Advocate with Mr. Sudeep
Chatterjee, Ms. Deepshikha
Malhotra and Mr. Lakshay
Kaushik, Advocates.

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

ORDER
31.08.2017

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Cav. No. 771/2017

Since counsel for defendants enters appearance, caveat stands discharged.

CS(OS) 396/2017 and I.A. No. 9857/2017 (under Order XXXIX Rule 1 and 2 CPC) and I.A. No. 9858/17 (Exemption)

1. At the outset learned counsel for the defendants submits that an ordinary suit has been filed by the plaintiffs whereas the dispute between the parties relate to software purportedly developed by the plaintiff thus, falling **CS(OS) 396/2017**

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under Section 2(c) (xvii) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act , 2015.

2. In view of the objection taken by the defendants, learned counsels for the plaintiffs seek leave to withdraw the suit with liberty to file the same as a commercial suit.

3. Leave and liberty granted.

4. Court fee be returned to the plaintiffs to be refiled, if so required as is applicable to the commercial suit.

5. Suit and applications are dismissed as withdrawn.

MUKTA GUPTA, J.

AUGUST 31, 2017
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