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

+ **CM(M) 950/2017**

M/S MEDICINE HOUSE & ANR

..... Petitioners

Through: **Mr. H.Z. Reina & Mr. Shashank
Vachher, Advs.**

Versus

BIOCHEMIE GMBH

..... Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.09.2017

CM No.31848/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 950/2017

3. This petition under Article 227 of the Constitution of India impugns the order [dated 19th August, 2017 in Civ DJ No.613496/2016 of the Court of Additional District Judge-04 (ADJ), West District, Tis Hazari Courts, Delhi] of dismissal of the application of the petitioner / defendant under Order XIV Rule 5 of the CPC.
4. The impugned order records that the final arguments in the suit had already been heard when the application was filed and the suit was posted next on 21st August, 2017 for pronouncement of judgment and / or seeking clarifications if any.
5. The counsel for the petitioner / defendant on enquiry, whether judgment has been pronounced, answers in the affirmative and agrees that in view thereof this petition has become infructuous.

6. The counsel for the petitioner / defendant however seeks liberty to urge the grounds as taken in this petition, in appeal against the judgment, informed to be against the petitioner/defendant.

7. Dismissed as infructuous with liberty in accordance with law.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 01, 2017

‘gsr’..