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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1044/2017
CARVAN PROJECT CONSULTANTS PVT LTD..... Petitioner
Through: Ms. Dharini Windlass, Adv.
Versus
VIJAY KUMAR Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **19.09.2017**

CM No.34358/2017 (for exemption)

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

CM(M) 1044/2017 & CM No.34357/2017 (for stay)

3. Though this petition under Article 227 of the Constitution of India impugns the order of closure of the right of the petitioner / defendant no.1 to lead evidence but the petitioner / defendant no.1 has not placed before this Court the earlier order-sheets from which this Court can assess the number of opportunities availed of by the petitioner / defendant no.1. The counsel for the petitioner / defendant no.1 does not even have the said order-sheets with herself.
4. Without examining the order-sheets, the challenge to the order cannot be appreciated.

5. Subject to the petitioner / defendant no.1 depositing costs of Rs.5,000/- with the Delhi High Court Bar Association Lawyers' Social Security and Welfare Fund, New Delhi, list on 24th October, 2017.
6. The petitioner / defendant no.1 is at liberty to file copies of the order-sheets in the suit and / or any other copy of the trial court record relevant for the purpose of considering the challenge.
7. At this stage, finding that the suit, after the impugned order was posted for hearing on 6th July, 2017, it has been enquired from the counsel for the petitioner / defendant no.1, whether the suit is still pending.
8. The counsel for the petitioner / defendant no.1 states that the suit is still pending and is listed next on 27th September, 2017 for final arguments.
9. In this view of the matter, it is deemed appropriate that instead of adjourning this petition, this petition be disposed of with liberty to the petitioner / defendant no.1 to, if remains aggrieved from the final order in the suit, in the challenge if any thereto, challenge the order dated 27th May, 2017 also.
10. In this view of the matter, costs herein above imposed is also waived and the date of 24th October, 2017 is cancelled.
11. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 19, 2017

‘gsr’..