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

+ **CM(M) 1126/2017**

M/S ENCHANTE JEWELLERY LTD & ANR Petitioners

Through: Mr. Kirti Uppal, Sr. Adv. with Ms.
Aastha Dhawan, Ms. Gauri P. Desai
& Ms. Diksha Mathur, Advs.

Versus

SANJAY GUPTA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **13.10.2017**

CM No.36706/2017 (for exemption)

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

CM(M) 1126/2017 & CM No.36705/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 13th February, 2017 in CS No.139/2016 of the Court of Additional District Judge (ADJ-14), Central District, Tis Hazari Courts, Delhi] allowing the application of the respondent / plaintiff under Order IX Rule 9 of the CPC.
4. The senior counsel for the petitioners / defendants has been heard.
5. It is his contention that the reason given in the application under Order IX Rule 9 of the CPC of change of advocates was false as there was no change of advocate at the contemporaneous time.

6. The learned ADJ has given detailed reasons for allowing the application.

7. The suit is for recovery of money on the basis of a cheque and the proceedings under Section 138 of the Negotiable Instruments Act, 1881 are also pending. It is also not in dispute that the parties remained in mediation for a sufficiently long time and at about which time the suit was dismissed in default.

8. Moreover, the orders under Order IX Rule 9 of the CPC are of discretionary nature and which are not to be interfered with unless found to be perverse.

9. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 13, 2017

‘gsr’..