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

+ CM(M) 1142/2017

SAVEENA ENTERPRISES PVT. LTD. Petitioner

Through: Mr. Sandeep Bajaj, Advocate

versus

KALATEX & ORS

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.10.2017**

CM Ns. 37085/2017 & 37086/2017

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

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3. This petition under Article 227 of the Constitution of India impugns the order [dated 22nd September, 2017 in CS No.8155/2016 of the Court of Additional District Judge-05, District South, Saket Courts, Delhi], of closure of evidence of the petitioner/plaintiff.

4. The suit is of the year 2001.

5. The counsel for the petitioner/plaintiff upon being asked to show the order-sheet in the suit, states that the entire order-sheet has been filed.

6. However, the same was not found, while reading the file.

7. The counsel for the petitioner / plaintiff on being asked about the order framing the issues, states that the same has not been filed and has handed over the same in the Court. The said order is of 18th March, 2010. The next order filed by the petitioner / plaintiff before this Court is of 30th August, 2016. No orders which may have been passed in the interregnum as have been filed. It is quite evident that the orders have been filed selectively. When the entire order sheet is not before this Court, it cannot be appreciated whether the impugned order requires interference or not.

8. The petition is thus dismissed.

9. When the petitioner/plaintiff is ready, it, subject to deposit of costs of Rs. 10,000/- with the Delhi High Court Bar Association Lawyers Welfare Fund, would be entitled to apply again to this Court.

RAJIV SAHAI ENDLAW, J

OCTOBER 16, 2017

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