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

+ CM(M) 938/2015 & CM No.22474/2015 (for stay)

M/S MMTC LTD Petitioner

Through: Mr. Ashok Chhabra, Mr. Kartickay
Mathur, Mr. Mohit Ghakma & Mr.
Nikhil, Advs.

Versus

M/S SHIRDI OVERSEAS Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.10.2017**

1. This petition under Article 227 of the Constitution of India impugns the orders dated 24th September, 2015 and 28th September, 2015 in CS No.107/2014 of the Court of Additional District Judge-12 (ADJ), Central District, Tis Hazari Courts, Delhi.
2. Vide order dated 24th September, 2015, the Managing Director of the petitioner /plaintiff was directed to file report of the investigations / inquiries qua the composition / status of the respondent / defendant. Vide order dated 28th September, 2015, the application of the petitioner / plaintiff for recall of the order dated 24th September, 2015 was dismissed.
3. The petition was entertained and notice thereof ordered to be issued and vide subsequent order dated 7th October, 2015, the operation of the order dated 24th September, 2015 was stayed. The said interim order has continued in force till now.
4. The respondent / defendant could not be served by ordinary process and was ordered to be served by publication, which has been effected. None

appeared for the respondent / defendant before the Registrar. None has appeared for the respondent / defendant today.

5. The counsel for the petitioner / plaintiff states that the respondent / defendant has not been appearing in the suit also. It is also informed that the learned ADJ has since heard final arguments in the suit and posted the suit for orders on 27th October, 2017.

6. In this view of the matter, this petition is disposed of by directing that the interim order dated 7th October, 2015 supra will continue till the disposal of the suit.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 23, 2017

‘gsr’..