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

+ CM(M) 273/2017 and CM 9279-9280/2017

ASHOK KUMAR GUPTA & ORS Petitioners

Through: Dr. Anurag Kumar Agarwal and Mr.
Umesh Mishra, Advocates

versus

ROHTASH SINGH Respondent

Through: Mr. Mahesh Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **17.01.2018**

The present petition is by the parties who have been impleaded as first to third defendants in the civil suit (CS 59860/2016) instituted by the respondent seeking recovery of Rs.82,93,164/- with interest *pendent lite* and future. The first and second petitioners are concededly directors of the third petitioner (a company duly incorporated). By the impugned order dated 18.01.2017, the learned trial judge directed personal appearance of the first and second petitioners and also discovery of the assets of the third petitioner.

The petition seeking to take exception to the said order is pressed only to have relief in respect of the direction for personal appearance of the first and second petitioners. The learned counsel for the petitioners submits, on instructions, that discovery pursuant to

the directions in the impugned order respecting the assets of the third petitioner would be made in strict compliance before the next date fixed before the trial court. The petitioners are bound by the said undertaking.

Subject to strict compliance with the order of discovery, the impugned order to the extent thereby first and second respondent were directed to remain present in person before the trial court is set aside, with the rider that in case there is a non-compliance, the trial court will have the liberty to issue all necessary directions including insistence on the personal appearance.

The petition and the applications filed therewith are disposed of with these observations.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

JANUARY 17, 2018

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