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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 505/2018 & CM APPL. 17803/2018**

M/S KWALITY CONVEYING SYSTEM PVT LTD..... Petitioner

Through: Mr. Yogesh Rathee, Adv.

versus

M/S AMRIT ENVIRONMENTAL TECHNOLOGIES PVT LTD
..... Respondent

Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **01.10.2018**

CM APPL. 17803/2018(Exemption)

Exemption allowed, subject to just exceptions.

CM(M) 505/2018

Initial submissions have been made on behalf of the petitioner. The petitioner assails the impugned order dated 20.12.2017 of the Court of the learned ADJ-08, Central in CS 133/2015 whereby the prayer made by the petitioner herein as the defendant of the said suit now bearing no.15436/2016 seeking production of an accountant of the defendant to show the amount received by the defendant's company under various heads, was declined taking into account the factum that there was no application filed by the defendant seeking the summoning of the said witness and furthermore, the impugned order reflects that the matter was posted for defence evidence on 23.11.2010 and thereafter adjourned to 12.07.2011, 19.09,2011,

23.07.2013, 28.10.2013, 08.05.2014, 06.08.2014, 11.12.2014, 04.02.2015, 01.09.2015, 18.11.2015, 05.02.2016, 14.03.2016, 30.07.2016, 05.10.2016, 07.12.2016, 17.02.2017, 22.03.2017 and 25.07.2017.

Apparently, in terms of the Order 17 (1) and proviso thereto of the CPC, 1908, as amended which is on the statute w.e.f. 01.07.2002, the prayer made by the petitioner cannot be granted and ought not to have been granted and has been appropriately declined.

The petition and accompanying applications are dismissed.

ANU MALHOTRA, J

OCTOBER 01, 2018

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