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

+ CM(M) 282/2015 and CM APPL.5774/2016 (stay)

M/S MICO LUBE INDIA LTD Petitioner

Through: Mr. S.K. Bansal, Advocate with
Mr. Veerendra Sinha, Adv.,
Mr. V.K. Shukla, Adv. &
Mr. Ajay Amitabh Suman, Adv.

versus

RAKESH KUMAR TRADING AS SAURABH INDUSTRIES &
ORS Respondents

Through: Mr. Manish Biala, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **29.01.2018**

After some hearing, the learned counsel for the respondent (defendant in the suit) fairly concedes that the application under Order XVI Rule 1 & 2 of the Code of Civil Procedure, 1908 (CPC) moved on 12.12.2014, which was dismissed by the trial Judge by the impugned order dated 08.01.2015 may be allowed, subject to costs in as much as on account of failure of the petitioner, the plaintiff of the case, in mentioning these witnesses in the first list, there has been inordinate delay.

Having regard to the facts and circumstances of the case, the prayer in the petition and the aforementioned application of the petitioner before the trial Court is granted, subject to costs of Rs.20,000/-.

The list of witnesses submitted with the application shall be taken on record, subject to payment of costs and, if so required, the Court will render assistance in securing presence of the witnesses by issuing summons, for which petitioner will have to take appropriate steps.

The impugned order is set aside and the petition stands allowed in above terms.

Pending application also stands disposed of.

R.K.GAUBA, J.

JANUARY 29, 2018

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