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

+ **CM(M) 976/2018**

M/S TRADEWELL PORTFOLIOS PVT LTD & ANR

..... Petitioner

Through Mr.Jayant K.Mehta and Mr.Sukant
Vikram, Advocates

versus

HARSH VIKAS MANCHANDA & ORS

..... Respondent

Through Mr.Ravneet Singh, Advocate for R-1
& 2
Mr.Salabh Singhal and Mr.Nipun
K.Malhotra, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **17.12.2018**

CM APPL.No.33986-33987/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 976/2018, CM APPL. No.33985/2018

Issue notice.

Counsel for the respondent accepts notice.

This petition is against the order dated 13.07.2018. The learned counsel for the petitioner has referred to an order dated 04.07.2018 which refers to three applications *(a)* an application under Order 39 Rule 10 CPC moved by defendant No.3; *(b)* an application under Order 1 Rule 10 CPC moved by defendant No.3; *(c)* an application under Order 1 Rule 10 CPC moved by defendant No.1 and 2.

It is submitted by learned counsel for the petitioner the

arguments were heard on application under Order 39 Rule 10 CPC and under Order 1 Rule 10 CPC both moved by defendant No.3. However, the impugned order was passed dismissing the application under Order 1 Rule 10 CPC moved by defendant No.1 and 2 for deleting the name of defendant No.3. It is submitted by learned counsel for the petitioner the application was disposed of without giving an opportunity to the petitioner which has caused prejudice to the petitioner. Considering the submissions made and also after perusing the orders dated 04.07.2018 and 13.07.2018, it would be appropriate the impugned order disposing of the application moved by defendant No.1 and 2 under Order I rule 10 CPC is set aside and the learned trial court is directed to re-hear the said application afresh by giving an opportunity to the petitioner to submit his arguments. Both the parties shall appear on 19th December, 2018 before the learned Trial Court for directions.

In view of the above, the petition along with pending application stands disposed of. The Registry will send the copy of this order to the learned Trial Court for information and compliance.

Order *dasti*.

YOGESH KHANNA, J.

DECEMBER 17, 2018

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