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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1382/2016**
HSIL LIMITED Plaintiff

Through: Mr. Manav Gupta & Mr. Sahil Garg,
Adv.

versus

MARVEL CERAMICS AND ORS Defendants
Through: Ms. Meera Kaura Patel, Adv.

CORAM:
SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER
% **18.07.2018**

IA No. 5902/2018(u/O VII R 10 A (2) r/w Section 151 CPC filed by plaintiff for return of plaint alongwith court fees and after incorporation of necessary pleadings in the plaint)

Reply to the IA filed by defendants.

Plaintiff has also filed rejoinder to the reply of defendants.

Supplementary affidavit filed by plaintiff.

Defendants have filed reply to additional affidavit of plaintiff.

Heard on IA.

Record perused.

Perusal of record shows that vide order dated 30.01.2017, the application filed by defendants 1 to 3 under Order VII Rule 10 and under Order VII Rule 11 CPC was allowed. The plaint filed by plaintiff was directed to be returned/rejected. Hon'ble Court held that this Court has no territorial jurisdiction to entertain and try the present

suit. Order dated 30.01.2017 has been upheld by Hon'ble Division Bench vide judgement dated 03.11.2017. SLP filed by plaintiff has also been dismissed by Hon'ble Supreme Court. Thus, order dated 30.01.2017 has attained finality.

In the present application, the plaintiff has prayed to return the plaint alongwith the court fees.

Considering the order dated 13.02.2017 passed by Hon'ble Division Bench in *RFA (OS) (COMM) 02/2017* titled as *HSIL Limited vs Marvel Ceramics and Ors* and order dated 19.03.2018 passed by Hon'ble Court in IA No. 3793/2018 in CS (COMM) No. 1082/2016, IA No. 3794/2018 in CS (COMM) No. 1087/2016 and IA No. 3792/2018 in CS (COMM) No. 1088/2016, the plaint alongwith court fees is directed to be returned to plaintiff for filing the same in the Court of appropriate jurisdiction.

IA stands disposed of.

SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 18, 2018

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