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

+ **RFA 67/2017**

M/S SMX TECHNOLOGY LTD (U K) Appellant
Through: Mr. Lokesh Chopra, Advocate
(Mobile No. 9998806667).

versus

AJAY SINGH & ANR Respondents
Through: Mr. Maldeep Sidhu, Advocate for R-2
(Mobile No. 9810265785).

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
14.08.2018

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1. After arguments, this appeal is disposed of with the consent order that appellant/plaintiff will pay to the respondents/defendants costs of Rs.3,00,000/- for setting aside the impugned order dated 26.8.2016 dismissing the suit, and appellant/plaintiff will be allowed exactly two opportunities to complete evidence-in-chief. No opportunity other than two opportunities will be granted to the appellant/plaintiff to lead evidence-in-chief of its witnesses. Costs in terms of this order be paid by the appellant to the respondents on the first date which is fixed before the concerned trial court where the suit would be marked by the District and Sessions Judge.

2. Accordingly, this appeal is disposed of by a consent order

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setting aside the impugned judgment dated 26.8.2016 and giving two opportunities to the appellant/plaintiff to complete evidence-in-chief of its witnesses with costs of Rs.3,00,00/- being paid to the respondents/defendants.

3. Parties to appear before the District and Sessions Judge, South East, Saket Courts, New Delhi, on 13th September, 2018 and the District and Sessions Judge will now mark the suit for disposal to a competent court in accordance with law and the observations made in the order.

VALMIKI J. MEHTA, J

AUGUST 14, 2018

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