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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 188/2018 and C.M. Appl. Nos. 6418-19/2018 (for delays)

GITANJALI GEMS LTD

..... Appellant

Through: Mr. Yashvardhan, Advocate.

versus

NATIONAL COTTAGE INDUSTRIES

..... Respondent

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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19.02.2018

1. After arguments, this appeal is disposed of as not pressed with liberty to the appellant to file an application under Order 9 Rule 7 read with Order 9 Rule 13 CPC for questioning the impugned judgment dated 10.3.2017.
2. It is, however, made clear that this Court has not made any observations with respect to merits of such an application, and which application if filed will be decided by the trial court in accordance with law.
3. Since the suit is withdrawn at the initial stage, plaintiff will be held entitled to refund of 50% of the court fee paid in view of the provision of Section 16-A of the Court-fees Act, 1870 (as applicable to Delhi). Registry will issue the necessary certificate in this regard in favour of plaintiff.

VALMIKI J. MEHTA, J

FEBRUARY 19, 2018/JK