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

+ **RFA 43/2018**

VIRENDRA K BATRA Appellant

Through: **Mr. Sumeet Batra, Advocate.**

versus

M/S INFRES METHODEX LTD Respondent

Through: **Mr. Amiet Andley, Advocate with
Mr. Arun K. Sharma, Advocate.**

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **03.05.2018**

1. On 16.1.2018, the following order was passed:-

“C.M. Appl. No. 1715/2018 (for exemption)”

Exemption allowed, subject to all just exceptions.
C.M. stands disposed of.

RFA 43/2018

1. Learned senior counsel for the appellant/plaintiff argues that though there was no such specific prayer in the plaint, but plaintiff was entitled to pay for the notice period of three months because admittedly the contract for appointment directed termination by three months' notice or pay in lieu thereof and appellant/plaintiff has not received pay for three months, inasmuch as, termination is with effect from 16.6.2004 and forthwith without any notice period.

2. Limited to this issue let notice be issued to the respondent on filing of process fee, both in the ordinary method as well as by registered AD post, returnable on 3rd May, 2018.”

2. Today unfortunately and very dishonestly counsel for the appellant states that the appeal in fact should be allowed to be pressed for other grounds than as stated in the order dated 16.1.2018.

3. In my opinion, dishonest attitude of litigants and their Advocates should not be accepted by this Court because on 16.1.2018 almost at the stage of dismissing of the appeal and at the suggestion of the Court, the issue was limited for the benefit of the appellant and which is now sought to be altered.

4. In view of the aforesaid, this appeal is accordingly dismissed for violating the conditionality on which notice was issued in this appeal.

VALMIKI J. MEHTA, J

MAY 03, 2018

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