

14

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(OS) 52/2015 & I.A. 11891/2015

M/S MEGAHERTZ INFOTECH PVT LTD Plaintiff
Through: Mr Keshav Garg, Advocate

versus

M/S LILLIPUT KIDSWEAR LTD AND OTHERS Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

18.01.2019

The present suit has been filed for recovery of Rs. 1,38,59,636/- under Order XXXVII of CPC.

On 03rd February, 2016, the present suit proceedings were stayed on an application filed by the defendant under Section 446 of the Companies Act, 1956 and Section 22(1) of the Sick Industrial Companies Act, 1985 on the ground that the defendant had been declared a sick company.

Today, learned counsel for the plaintiff states that the proceedings are pending before the National Company Law Tribunal against the defendant.

Learned counsel for the plaintiff states that he would like to file his claim before the National Company Law Tribunal.

Consequently, the plaintiff is given the liberty to pursue its claim in the appropriate forum. Any original documents that may have been filed in the present suit, be returned to the counsel for the plaintiff.

At this stage, counsel for the plaintiff prays for refund of the court fee.

Registry is directed to issue to an authorised representative of the plaintiffs a certificate authorizing him/her to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

Accordingly, the suit and pending application stand disposed of.

MANMOHAN, J

JANUARY 18, 2019

dutt