

\$~7

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

%

Decision delivered on: 04.06.2021

+

FAO (COMM) 98/2021 & CM No. 17874/2021

R A PERFUMERY WORKS PRIVATE LIMITED Appellant
Through: Mr. Subhasis Sen Gupta, Mr. Shakya
Singha Sen & Ms. Sushmita Ghosh,
Advs.

versus

CHANDRA KISHORE CHAURASIA Respondent
Through: Mr. Kirti Uppal, Senior Advocate
with Mr. N. K. Kantawala, Mr.
Praver Sharma, Mr. Prakhar Sharma,
Mr. Sidharth Chopra & Ms. Riya
Gulati, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. On the previous date, i.e., 01.06.2021, we had adjourned the matter to enable the parties to arrive at a settlement in the matter.

1.1. We are told that, an attempt was made in that behalf and proposals were exchanged, however, they did not fructify into a firm settlement.

2. Furthermore, as noted in the earlier order dated 01.06.2021, this appeal has been preferred against the *ex-parte* order dated 05.03.2021 passed by the trial Court in an application instituted by the respondent/plaintiff, under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (in short 'CPC') in C.S. (COMM.) No. 132/2021 titled as *Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited*.

2.1. The appellant/defendant, we are told, has not filed a reply to the abovementioned application, as yet.

2.2. Given this position, Mr. Subhasis Sen Gupta, who appears on behalf of the appellant/defendant, says that liberty be given to withdraw the present appeal and approach the trial court for the adjudication of the abovementioned pending interlocutory application. Mr. Sen also seeks liberty to file a reply to the said application and/or file an application under Order XXXIX Rule 4 of the CPC.

3. Given the aforesaid position, the appeal is dismissed as withdrawn with liberty to the appellant/defendant to file a reply to the abovementioned interlocutory application, and/or file a fresh application under Order XXXIX Rule 4 of the CPC, within one week of the receipt of the copy of the order.

3.1. The concerned trial court is directed to dispose of the pending interlocutory application and/or fresh application, if any, preferred by the appellant/defendant, under Order XXXIX Rule 4 of the CPC at the earliest, though not later than three weeks of the pleadings being completed.

4. The appeal is disposed of in aforesaid terms. Pending application is also closed. The case papers shall be consigned to the record.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JUNE 4, 2021/nk

Click here to check corrigendum, if any