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

+ **CM(M) 197/2024**

M/S BELA CREATION

..... Petitioner

Through: Mr. Anmol Pnawar and Mr. Praveen,
Advts.

versus

M/S JAI DURGA TRADERS

..... Respondent

Through: Mr. Munish Chhoker and Ms. Jyoti
Verma, Advts. along with A.R. of
respondent.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **01.02.2024**

CM APPL. 6108/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 197/2024, CM APPL. 6109/2024—stay on warrant of arrest

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 16.11.2023, 12.12.2023, 18.12.2023, 11.01.2024 and 16.01.2024 passed by the learned District Judge, Commercial Court-02, Shahdara, Karkardooma, Delhi, in Ex. No. 54/2022, whereby the learned Trial Court had issued warrant of arrest against the authorised representative /director of the company. The petitioner herein is the defendant before the learned Trial Court.
4. Learned counsel for the petitioner submits that, he is confining his



relief in the present petition which is reproduced below:

“c) To allow the Petitioner to rectify inadvertent mistake in the affidavit and refile it in terms of judgement of the Hon’ble Delhi High Court in M/s Bhandari Engineers & Builders Pvt. Ltd. versus M/s Maharia Raj Joint Ventures & Ors. on 24 June 2021.”

5. It is submitted that the other prayers made by the petitioners have already been considered vide order dated 08.12.2023 passed by the learned Predecessor Bench in CM(M) 2028/2023.

6. Learned counsel for petitioner further submits that, he has filed a detailed affidavit before the learned Executing Court however, he wishes to file a fresh affidavit wherein he wants to mention some more details. After addressing some arguments, it is submitted on behalf of the petitioner that he seeks permission to withdraw the present petition with liberty to move to an appropriate forum with respect to the issue raised in the present petition and to file a detailed affidavit before the learned Executing Court.

7. Permission granted to withdraw.

8. Accordingly, the present petition along with the pending applications is disposed of with liberty as prayed for.

SHALINDER KAUR, J.

FEBRUARY 01, 2024/SDS