



\$~3

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

+ **FAO(OS) 34/2024 & CM APPL. 14783/2024**

ASHOK BAURY

..... Appellant

Through: Mr. Gauhar Mirza, Ms. Hiral Gupta,
Ms. Nitika, Advocates

versus

ARUN SOOD & ORS.

..... Respondents

Through: Mr. Atul Gupta and Mr. Sourabh
Gupta, Advocates for R-1

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

19.03.2024

CM APPL. 14782/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

FAO(OS) 34/2024 & CM APPL. 14783/2024

1. Present appeal has been filed by the Appellant challenging the order dated 25th January, 2024 passed by the Learned Single Judge of this Court in CS(OS) 296/2016 whereby issues were framed in the suit.
2. Learned counsel for the Appellant states that the impugned order records in para 8 that the Respondent No. 1 is liable to pay the requisite Court Fees. He, however, states that the impugned order does not record the time period in which the Court Fees has to be paid by Respondent No. 1. He contends that till the Court Fees is not paid, the suit with respect to counter-claim of the Respondent No. 1 cannot proceed.



3. *Per contra*, learned counsel for the Respondent No. 1 submits that para 8 of the impugned order records the submissions of the Appellant and is not a finding of the Learned Single Judge. Learned counsel for Respondent No. 1 further states that the said Respondent has not filed any counter claim.

4. Keeping in view the aforesaid, this Court disposes of the present appeal along with pending applications with liberty to the Appellant to file an application for clarification of the order dated 25th January, 2024. This Court clarifies that it has not commented upon the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 19, 2024/rhc