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

+ **C.R.P. 113/2024**

KUNAL STRUCTURE INDIA PVT LTD. AND ANR

..... Petitioners

Through: Mr. Devashish B., Sr. Adv.
with Mr. Anam Siddiqui, Mr.
Anuj Rathee and Mr. Balram,
Advs.

versus

INSTAPOWER LIMITED

..... Respondent

Through: Ms. Sonali Chopra and Mr.
Sahil Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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19.03.2024

CM APPL. 16911/2024 (Ex.)

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

C.R.P. 113/2024 and CM APPL. 16912/2024 (Stay)

3. The petitioner company, who was the defendant in the suit instituted at the behest of respondent/plaintiff before the learned Trial Court, is assailing the impugned order dated 28.02.2024, whereby the application under Order VII Rule 10 CPC for return of the plaint for want of jurisdiction, has been dismissed.
4. Learned counsel for the respondent/plaintiff is present on advance notice.
5. An issue has been raised about the maintainability of the present civil revision petition in view of the Section 8 of the Commercial Courts Act, 2015.



6. After some arguments, learned counsel for the petitioners requests that he may be allowed to withdraw the present civil revision petition with liberty to file appropriate proceedings in law so as to assail the impugned order.

7. Accordingly, the present civil revision petition is allowed to be dismissed as withdrawn with liberty to the petitioners to file appropriate proceedings as per law. The pending application is also stands disposed of.

DHARMESH SHARMA, J.

MARCH 19, 2024

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