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

+ **CM(M) 2190/2024**

AJAY TRADERS

..... Petitioner

Through: Mr. Ravi Kishan Chandana, Mr.
Harsh Vardhaw and Mr. Sumit
Kardam, Advs.

versus

MOGLI LABS INDIA PVT LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

21.03.2024

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CM APPL. 17646/2024—Exp. and CM APPL. 17647/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CM(M) 2190/2024 and CM APPL. 17645/2024--stay

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 10.01.2024 passed by the learned District Judge (Commercial)-05, North, Rohini Courts, New Delhi, in CS (COMM) 393/2022 titled as “MOGLI LABS INDIA PVT. LTD VERSUS AJAY TRADERS.”, whereby right of the petitioner herein to file written statement was closed.
4. After making some submissions, the learned counsel submits that he was served with the summons of the suit on 25.08.2023 and the written



statement was filed on 05.10.2023 which was misplaced by the court staff. On specific query made by Court, learned counsel submits that the written statement was not e-filed though it is mandatory with respect to the commercial suit, the pleadings and the other documents are to be e-filed.

5. Learned counsel, at this stage, submits that he wishes to withdraw the present petition but he should be granted liberty to approach learned Trial Court where apart from his defence being struck off he has also been proceeded ex-parte. Therefore, with limited right of moving appropriate application before the learned Trial Court, as per law, with respect to the ex-parte proceedings against the petitioner herein, learned counsel seeks permission of this Court to withdraw the present petition.

6. Permission to withdraw is granted with liberty as prayed for.

7. The petition along with pending application stands disposed of.

SHALINDER KAUR, J.

MARCH 21, 2024
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