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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2420/2024 & CM APPL. 44950-44952/2024**

VSNS INDUSTRIES

.....Petitioner

Through: Mr. Rakesh Kakkar with Ms. Varsha,
Advocates.

versus

QSS ENTERPRISES PVT. LTD.

.....Respondent

Through: Mr. Sanjay Kumar Prajapati with Mr.
Akshay Dhyani, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

07.08.2024

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1. The next date of hearing in the main petition is 16.08.2024.
2. In the interregnum, the present application has been filed from the side of petitioner seeking stay of the proceedings, pending before the learned Trial Court.
3. With the consent of the parties, the arguments on the main petition have been heard as such.
4. The petitioner herein is defendant before the learned Trial Court.
5. It is noticed that the defendant had moved an application under Section 151 of CPC before the learned Trial Court praying therein that the issue of limitation be treated as preliminary issue.
6. Learned Trial Court took up the aforesaid application on 08.04.2024 and clarified that such application would be considered only after the completion of cross-examination of PW-1 and other remaining plaintiff

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witnesses.

7. It is stated that the evidence of plaintiff is already complete and, therefore, the learned Trial Court should decide the above said application.

8. It seems that because of the fact that the above said order was impugned before this Court, the learned Trial Court is unable to proceed further with the matter.

9. After hearing the arguments for some time, learned counsel for petitioner states that he may be permitted to withdraw the present petition and the learned Trial court, as already undertaken above, be requested to consider the application moved by them under Section 151 CPC.

10. In view of the above, the present petition stands disposed of as not pressed.

11. Needless to say, the learned Trial Court would consider the above said application, as clarified by the learned Trial Court itself in its order dated 08.04.2024, before proceeding further with the matter.

12. It is also emphasized that this court has not expressed any opinion with respect to the merits of the case and all the rights and contentions of the parties are reserved.

13. Order *dasti* under the signatures of the Court Master.

MANOJ JAIN, J

AUGUST 7, 2024/sw

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