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

+ **CM(M) 2582/2024**

UNIWORLD TRANSERV PRIVATE LIMITED Petitioner

Through: **Mr. Archit Singhal & Ms. Ritu Jain,**
Advs.

versus

BANSAL OIL LUBRICANTS CO Respondent

Through:

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **16.05.2024**

CM APPL. 29279/2024—Exp.

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

CM(M) 2582/2024, CM APPL. 29280/2024—stay, CM APPL. 29281/2024—Exp. From filing TCR

3. The present petition has been filed under Article 227 of the Constitution of India read with Section 151 Code of Civil Procedure, 1908 (hereinafter referred as 'CPC') impugning the order dated 03.05.2024 passed by the learned District Judge (Commercial Court)-03, West District, Tis Hazari Courts, Delhi (hereinafter referred as 'Trial Court') in CS(COMM) No. 132/2023 titled as "*Uniwold Transerv Pvt. Ltd. Through A.R. Amit Gogna vs. Bansal Oil and Lubricants Co. Through its Proprietor Mr. Himanshu Bansal*".



4. Learned counsel for the petitioner states that on 03.05.2024, he could not appear before the learned Trial Court to address arguments on the application under Order XI CPC. Arguments of the defendants were heard and the matter is listed for orders on the said application on 17.05.2024 without granting an opportunity of being heard on the application to the petitioner.
5. Learned counsel for the petitioner further submits that he has been granted liberty to file written submissions with respect to the application as well as the final arguments to be addressed which is not an appropriate opportunity of being heard and he has oral submissions to make before the learned Trial Court.
6. Learned counsel for the petitioner states that with respect to address oral arguments, he shall move an appropriate application as per law before the learned Trial Court which he shall e-file today with an advance copy to the opposite side for which liberty be granted and he seeks permission to withdraw the present petition from this Court.
7. Permission and liberty as prayed for is granted.
8. The learned Trial Court to consider the application, if filed by the learned counsel for the petitioner on 17.05.2023 and dispose it off as per law.
9. With the above observations, petition stands disposed of.
10. The copy of order be given *dasti* under the signatures of Court Master, as requested.

SHALINDER KAUR, J.

MAY 16, 2024/ab