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

\+ CM(M) 3225/2024 & CM APPL. 48730-48731/2024

ARUN KUMAR DESHWAL .....Petitioner

Through: Ms. Sayantani Basak, Advocate

versus

KAPOOR PLASTIC WORKS .....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

O R D E R

% **27.08.2024**

CM APPL. 48731/2024 (exemption)

Exemption allowed, subject to just all exceptions.

CM(M) 3225/2024 & CM APPL. 48730/2024

1. Petitioner is defendant before the learned Trial Court and is defending a Commercial Suit.

2. During course of proceedings, plaintiff moved an application seeking permission to place on record additional documents i.e. GST Receipts. Such application has been allowed by the learned Trial Court and simultaneously, defendant has also been permitted to file additional affidavit of admission/denial of documents respecting said documents.

3. Issues are yet to be framed and the next date before the learned Trial Court is 02.09.2024.

4. After hearing arguments for some time, learned counsel for petitioner states that she does not press her application but she may be given liberty to

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move appropriate application under Order VI Rule 17 CPC seeking amendment in her written statement. She states that the aforesaid GST Receipts were placed on record after she had filed her written statement and, therefore, she never got any chance to make any reference qua said GST Receipts. It is contended that appropriate response in this regard is very crucial for her defence.

5. As noticed already, case is still at the initial stage as issues have not yet been framed.

6. Nobody appears on behalf of the opposite side on advance notice.

7. In view of the above statement made by learned counsel for petitioner/ defendant, present petition is disposed of as not pressed. However, simultaneously, the liberty, as prayed, is granted and defendant would be thus at liberty to move application under Order VI Rule 17 CPC. Learned Trial Court would consider such application and would dispose it of in accordance with law.

8. It needs to be clarified that this Court has not given any observation with respect to the merits of the proposed application and it would be up to the learned Trial Court to consider the same and to dispose of the same in accordance with law.

MANOJ JAIN, J

AUGUST 27, 2024/*dr*

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