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

+ CM(M) 3268/2024 & CM APPL. 49748-49749/2024
+ CM(M) 3269/2024 & CM APPL. 49754-49755/2024
+ CM(M) 3270/2024 & CM APPL. 49756-49757/2024
+ CM(M) 3271/2024 & CM APPL. 49760-49761/2024
+ CM(M) 3272/2024 & CM APPL. 49762-49763/2024

M/S JAY COLOUR COMPANY

.....Petitioner

Through: Mr. Shashank Rai, Advocate.

versus

M/S SURENDER KUMAR JAIN

.....Respondent

Through: Mr. S.B. Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

29.08.2024

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1. All these five petitions emanate from the various orders passed by the learned Trial Court on the same date i.e. 16.08.2024 though in context of different applications moved by the petitioner, who is defending a civil suit, which is commercial in nature.
2. These applications were reportedly moved under Order XII Rule 8 CPC, Order XIV Rule 5 CPC, Section 151 CPC, Order I Rule 10 CPC and Order VI Rule 17 CPC. All such applications moved by the defendant (petitioner herein) have been dismissed by the learned Trial Court.
3. Learned counsel for the respondent appears on advance notice.
4. After hearing arguments for some time, learned counsel for the

*CM(M) 3268/2024 &
other connected matters*

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petitioner states that without prejudice to his rights and contentions, he may be permitted to withdraw all the abovesaid five petitions. He also states that he would move appropriate application before the learned Trial Court under Order XI Rule 14 CPC seeking production of certain documents.

5. In view of the above statement, all the five petitions are, hereby, disposed of as not pressed.

6. Needless to say, the petitioner herein is always at liberty to move any application before the learned Trial Court which is permissible under the law. Learned Trial Court would consider any such application and would dispose that of in accordance with law.

7. Before parting, Sh. Shashank Rai, learned counsel for the petitioner also states that the application seeking amendment in the written statement had been moved with the best of the bonafide intention and there was never any intent to delay the matter. It is contended that while dismissing the abovesaid applications, the defendant had been saddled with a cost of Rs.15,000/- which is to be deposited with DLSA concerned. He prays that such cost may be waived.

8. Learned counsel for the respondent/plaintiff has left it to this Court to pass appropriate orders in this regard.

9. Keeping in mind the overall facts and circumstances of the case, the cost of Rs.15,0000/- is directed to be waived.

MANOJ JAIN, J

AUGUST 29, 2024/st