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

+ **CS(OS) 118/2007**

DAYAL D. SHAHDADPURI

.....Plaintiff

Through: None.

versus

C.N.A. EXPORTS PVT. LTD & ORS.

.....Defendants

Through: Mr. Abhinav Sharma with Ms. Avsi Malik and Mr. Shubham, Advocates for D2.

Mr. Vinit Trehan with Ms. Bhumi Agarwal, Advocates for D6/applicant.

Mr. Vivek Sharma with Ms. Mamta Gautam, Advocates for D7.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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08.12.2025

I.A.9564/2025 (By D6 – For recall of order dated 02.04.2025)

1. Mr. Abhinav Sharma, learned counsel appearing for the defendant no. 2 has raised various objections to the present application. He submits that earlier, it has been conceded that the suit stands abated.

2. These submissions are strongly opposed by Mr. Vinit Trehan, learned counsel appearing for the defendant no.6/applicant and he contends otherwise. According to Mr. Trehan, I.A. 3330/2020 was pending as on 02.04.2025. He, therefore, submits that the Court on 02.04.2025 has incorrectly noted that there is no application to pursue the suit by the legal



heirs of the plaintiff.

3. Having considered the aforesaid submissions, the Court finds that in paragraph no. 2 of the order dated 02.04.2025 it has come on record that there is no application to pursue the suit by the legal representatives of the plaintiff.

4. Mr. Sharma may be correct in persuading the Court to draw the same conclusion which has been drawn on 02.04.2025. However, it is apparent that on 02.04.2025, the Court has overlooked pendency of I.A. 3330/2020. Therefore, reserving all rights and contentions of the parties to be raised, the order dated 02.04.2025 stands recalled.

5. The application accordingly stands disposed of.

6. Let the matter be listed for consideration of I.A.3330/2020 on 10.02.2026. Mr. Sharma's submission that a similar application earlier got dismissed can also be considered on that date. If the Court comes to the conclusion that the application is misconceived, costs can be imposed against the applicant herein.

PURUSHAINDR KUMAR KAURAV, J

DECEMBER 8, 2025

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