

Deepak Pranjivandas Shah & Ors vs Safex Chemicals (India) Ltd on 21 March, 2018

Author: Rajiv Sahai Endlaw

Bench: Rajiv Sahai Endlaw

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 262/2018 & CC (COMM) No.24/2018
DEEPAK PRANJIVANDAS SHAH & ORS Plaintiffs
Through: Mr. Ankit Arvind, Adv.
Versus
SAFEX CHEMICALS (INDIA) LTD Defendant
Through: Mr. Ajay Amitabh Suman, Adv.
CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER

% 21.03.2018 IA No.21484/2012 (of the plaintiffs under Order XXXIX Rules 1&2 CPC)

1. Adjournment is sought on behalf of the counsel for the plaintiffs.
2. There is no interim order in favour of the plaintiffs till now and issues have already been framed and recording of evidence is underway.
3. In this view of the matter, it is not deemed appropriate to keep this application pending. With liberty to the plaintiff to apply for interim relief if the defendant is found delaying the recording of evidence, the application is disposed of.

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4. The counsel for the defendant states that the plaintiffs have not filed original documents.
5. It is open to the counsel for the defendant to take all objections in this regard in the course of recording of evidence and in accordance with Order XVIII Rule 4(4) of the CPC, the objections are not to be decided at this stage.

The reliance by the counsel for the defendant on Shalimar Chemicals Works Ltd. Vs. Surendra Oil & Dal Mills (Refineries) 2010 (44) PTC (SC) 1 in this regard is misconceived.

6. The counsel for the defendant insists upon arguing further which is declined.

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7. List before the Joint Registrar on 11th April, 2018 for fixing the dates for recording of evidence.

RAJIV SAHAI ENDLAW, J MARCH 21, 2018 'gsr'..