

M/S Mohan Clothing Company Pvt Ltd vs Ajit Kumar Patra & Anr on 21 March, 2018

Author: Valmiki J. Mehta

Bench: Valmiki J. Mehta

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA 284/2018 and C.M. No.11162/2018 (exemption)

M/S MOHAN CLOTHING COMPANY PVT LTD. Appellant
Through: Mr. Ankit Jain, Advocate with Mr.
Sarvesh Rai, Advocate.

versus

AJIT KUMAR PATRA & ANR. Respondents
Through

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA
ORDER

% 21.03.2018

1. At the request made on behalf of the appellant/plaintiff, this appeal is not taken up for the present as the appellant/plaintiff proposes to file a review application against the impugned judgment of the Trial Court dated 27.1.2018 as per the ratio of the judgment of the Supreme Court in the case of United Bank of India Vs. Naresh Kumar AIR 1997 SC 3. It is also stated that in fact once the defendants were exparte obviously there was no issue which was raised of improper filing of the suit and that once the Chairman of the plaintiff-company has signed the plaint, the suit was duly filed as per Order 29 Rule 1 of Code of Civil Procedure, 1908 (CPC). There RFA No.284/2018 page 1 of 2 are other issues which are said to exist for seeking successful review of the impugned judgment dated 27.1.2018. In case a review application is moved within a period of two weeks from today, then, trial court will not dismiss the review application on the ground of limitation.

2. Accordingly, this appeal is adjourned with liberty to the appellant/plaintiff to file an application for review before the trial court and when such a review application is filed, trial court will in accordance with law consider the aforesaid aspects for reviewing of the impugned judgment dated 27.1.2018.

3. List on 23rd July, 2018.

VALMIKI J. MEHTA, J

MARCH 21, 2018

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