
(2023) 03 DEL CK 0045

In the Delhi High Court

Case No : First Appeal From Order-IPD No. 16 Of 2022, Civil Miscellaneous
Application No. 26426 Of 2022

Fateh Chand Bhansali Trading As Pawan Trading Co. & Anr APPELLANT
Vs

M/S. Vans Inc. USA RESPONDENT

Date of Decision : 06-03-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Order 39 Rule 1, Order 39 Rule 2

Citation : (2023) 03 DEL CK 0045

Hon'ble Judges : C.Hari Shankar, J

Bench : Single Bench

Advocate : Saubhagya Agarwal, Ridhima Purohit, Gyanendra Singh, Shruti
Jakhar, Samrat Nigam, Mankaran Singh

Final Decision : Disposed Of

Judgement

C.HARI SHANKAR, J

1. This matter was heard at some length. Mr. Saubhagya Agarwal, learned Counsel for the appellant endeavoured to point out that there were various aspects which were not considered by the learned Additional District Judge in the impugned order dated 26th September 2020.

2. On the last date of hearing, Mr. Samrat Nigam, who appears on behalf of respondent, had sought time to take instructions as to whether he was agreeable to the impugned order being set aside and the application of the respondent-plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) being reconsidered on merits.

3. Today, on instructions, Mr Nigam concedes to the setting aside of the impugned order and the remanding of the application of the respondent under Order XXXIX Rules 1 and 2 for de novo consideration.

4. Accordingly, the impugned order dated 26th September 2020 is quashed and

set aside.

5. The suit, in which the impugned order came to be passed, now stands transferred to this Court and re-numbered as CS(COMM) 449/2022.

6. The Registry is directed to accord a fresh application number to the application filed by the respondent under Order XXXIX Rules 1 and 2 in CS(COMM) 449/2023 which stands disposed of by the impugned order dated 26th September 2020 of the learned ADJ and to list the application for hearing and disposal on 27th March 2023.

7. Accordingly, the appeal stands disposed of.