
(2004) 11 DEL CK 0160

In the Delhi High Court

Case No : IA 3762, 5668 and 6730 of 2004 in CS (OS) No. 518 of 2004

Vogel Media International GmbH and Another

APPELLANT

Vs

Jasu Shah and Others

RESPONDENT

Date of Decision : 22-11-2004

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2, Order 39 Rule 4, Order 6 Rule 17, Order 7 Rule 10
Delhi High Court (Amendment) Act, 1999 — Section 2
Delhi High Court (Amendment) Act, 2003 — Section 2

Citation : (2004) 115 DLT 679 : (2005) 30 PTC 51 : (2005) 2 RCR(Civil) 467

Hon'ble Judges : Ramesh Chand Jain, J

Bench : Single Bench

Advocate : Sudhir Chandra, Praveen Anand and Binny Kalra, for the Appellant;
Amarjit Singh, for the Respondent

Judgement

R.C. Jain, J.—This order will govern the disposal of IAs Nos.3762/2004, 5668/2004 moved on behalf of the plaintiffs and is No.6730/2004 moved on behalf of the defendants. By way of is No.3762/2004, the plaintiff has prayed for extension of time for filing the amended plaint pursuant to the enhancement of the jurisdictional value of the suit and for permitting the said amendment to be incorporated concurrently with the amendment of the plaint. Vide is No.5668/2004 a prayer has been made on behalf of the plaintiff to confirm the continuance of the ad-interim injunction dated 1.5.2001 in the present suit unless it is specifically vacated by a reasoned order under Order XXXIX Rule 4 CPC or in the alternative to make an order of status quo as on 30.4.2004 i.e. the date of the order of the District Court ordering return of the plaint to the plaintiff, to be observed by the defendant till the relief claimed above is adjudicated upon and decided. A direction is also sought that the present suit be deemed to have continued from the stage on which it was transferred to the District Court pursuant to Section 2 of the Delhi High Court (Amendment) Act, 1999. Vide is No.6730/2004 a prayer has been made on behalf of the defendant to pass

appropriate orders in terms of the provisions of Order VII Rule 10A CPC and direct the Registrar to maintain the record of the present suit in accordance with law.

2. For the disposal of the above applications, it is necessary to recapitulate the background of the case. The plaintiffs had filed a suit for grant of a permanent injunction restraining passing of infringement of copyright, breach of contract, damages, delivery against the defendants on 20.3.2001 in this Court which was registered as CS(OS) No.883/2001. Along with the Suit an interlocutory application (IA No.4278/2001) under Order XXXIX Rule 1 and 2 seeking ad interim ex-parte injunction was also filed. The suit and the application came up for hearing before the Court on 1.5.2001 and vide an order of the even date, the Court while issuing notice on the application granted ad-interim ex-parte injunction restraining the defendants from advertising, printing, publishing, selling, distributing or offering for sale printed publications, on line publication on the internet or any related services under the trademarks CHIP, CHIP SPECIAL or any other trademark which is deceptively similar to the plaintiff's trademark CHIP, till the next date of hearing. Later an application under Order XXXIX Rule 4 (i.e.6655/2001) was moved on behalf of the defendants for vacation of the ad-interim ex-parte order dated 1.5.2001. The matter remained pending in this Court as the parties were negotiating for a settlement. On 7.2.2003, it was reported to the Court that the compromise talks had failed and consequently the Court directed the defendants to file their written statement and replies to the pending applications and pleadings to be completed. On 22.7.2003, when the matter came up for hearing before the Court, this Court in view of Section 2 of the Delhi High Amendment (Act), 2003, directed that the matter be listed before the Joint Registrar on 5.8.2003, for further directions. On 25.9.2003, the Joint Registrar observed that the value of the suit filed for the purpose of peculiar jurisdiction was less than Rs.20 lacs and, Therefore, the matter was liable to be transferred to the District Courts. The Joint Registrar in view of the orders passed by the Hon"ble the Chief Justice in this regard, directed the suit to be transferred to the Court of District Judge, Delhi, and parties/their counsels were directed to appear before the District Judge on 18.11.2003.

3. It appears that on receipt of the suit, the learned District Judge made over the same to the Additional District Judge (Mr. Praveen Kumar) for disposal in accordance with law and the suit was assigned a fresh number 250/03/01. On 18.11.2003, an application under Order VI Rule 17 was moved on behalf of the plaintiff seeking amendment of the plaint for enhancing the valuation of the suit to more than Rs.20 lacs. The said application was heard and allowed by the learned Additional District Judge vide an order dated 30.4.2004 By the same order, the learned Additional District Judge also directed that the plaint be returned to the counsel for the plaintiff to represent it to the Court in which it should have been instituted. As the order dated 30.4.2004 has grave implications and will be referred to often in this Order, the same is reproduced below for the facility of reference:

"" 30.4.2004

Present: Jai Bhardwaj, proxy counsel for the plaintiff.

Shri Gurvinder Singh, Advocate, counsel for the defendants.

Initially the pecuniary jurisdiction to try and entertain the present suit was of Delhi High Court as the suit had been valued for the purpose of court fees and jurisdiction at Rs.10 lakhs. Later on, the present suit was transferred to this Court on account of change in pecuniary jurisdiction. Thereafter, the plaintiff moved an application u/O 6 Rule 17 read with Section 151 CPC for amendment of the plaint to enhance the suit valuation. Proxy counsel for the plaintiff has relied upon judgment ""Ulakkh Ram v. Balar"" SLP (C) No.6097 of 2002 decided on 1.8.03 wherein the Supreme Court has held that whether the amendment is to be granted or not, the court does not go into the merits of the matter and decide whether or not the claim made therein is bonafide or not. That is a question which can only be decided at the trial of the suit. Ld. Counsel for the defendant has no objection if the amendment application filed on behalf of the plaintiff is allowed.

In these circumstances, in view of the submission of the learned counsel for the defendant and also the judgment Ulakkh Ram (Supra) the application under Order 6 Rule 17 CPC read with Section 151 filed on behalf of the plaintiff is allowed. After the amendment, the plaintiff has valued the suit for the purpose of court fees and jurisdiction at Rs. 20 lakhs which is beyond the pecuniary jurisdiction of this Court. Hence, the plaint be returned to the counsel for the plaintiff to represent it to the court in which the suit should have been instituted. Counsel for the parties are directed to appear before the Registrar (Judicial), Delhi High Court on 20.5.04.

The rest of the file be sent to Delhi High Court through Ld. District and Sessions Judge, Delhi.

ADJ: DELHI""

4. After the said order, an application u/s 152/153 CPC was moved on behalf of the defendant for amendment/correction of the order dated 30.4.2004 on the ground that in terms of the provisions of Order VII Rule 10 and 10A CPC the direction for sending rest of the file to the Delhi High Court through District and Sessions Judge, Delhi, as contained in the last paragraph of the order dated 30.4.2004 was unwarranted and should be deleted. The said application was dismissed by the learned Additional District Judge vide order dated 11.5.2004 holding that there was no error apparent on the face of the record and there exists no ground for amendment/correction of the order dated 30.4.2004 The Court, however, returned the plaint to the plaintiff vide endorsement dated 18.5.2004 made by the learned Additional District Judge with the direction to (both parties) to appear before the Registrar General, Delhi High Court on 20.5.2004 It is pertinent to note here that on 20.5.2004, the plaint so re

resented in this Court was the same original plaint which was filed in the High Court and was pending before the learned Additional District Judge and the plaintiff had not cared to file the amended plaint in the Court despite the amendment of the plaint having been allowed vide order dated 30.4.2004. On 20.5.2004 the Registrar (Judicial) dealt with the matter as CS (OS) No.883/2001 (the original suit number which was allotted to the suit at the time of initial institution in the High Court) and gave a direction that copy of the plaint be given to the counsel for the defendants within a week. The matter was listed before the concerned Joint Registrar on 12.7.2004 for registration and for further proceedings. However, before the said date, is No.3762/004 was moved on behalf of the plaintiff and the said application was ordered to be listed for disposal on 26.7.2004. On 12.7.2004, the matter came up before the Joint Registrar and the Joint Registrar recorded that written statement to the represented plaintiff stands filed and the replication, thereto, be filed within a period of two weeks and directed the parties to file documents in original within the same period. The Joint Registrar adjourned the matter to 27.8.2004 for completion of pleadings and for admission/denial of documents. In regard to is 3762/2004, the learned counsel for the defendants made a submission that after filing of the plaint in the Court, the said is had become infructuous. The Joint Registrar directed that the is 3762/200 be listed before the Court for further directions on 26.7.2004. On 26.7.2004, the learned counsel for the defendant sought time to file reply to is No.4603/2004 which was allowed and the matter proceeded further in this Court.

5. The above chronology of this case has been noted in detail in view of the controversy which has surfaced in the present case. The controversy largely revolves around the question as to whether a suit which was initially instituted and pending in this Court and which was transferred to the District Court on account of the change in the pecuniary jurisdiction of the High Court and the District Court consequent upon the Delhi High Court (Amendment) Act, 2003 and consequent upon the return of the plaint by the District Court in terms of the order dated 30.4.2004 and on its representation before this Court can be treated a suit which has continued in this Court throughout or should be treated a freshly instituted suit and tried de novo from the stage of pleadings. Depending upon the outcome of this question a further important question would arise whether the ad-interim orders made by this Court on 1.5.2001 at the time of initial institution of the suit and which was continued during the period when the suit was pending before the District Court could be deemed to have continued and remained in force even after 30.4.2004, when the order for return of the plaint was made or the plaint was represented in the Court on 20.5.2004.

6. Mr. Amarjit Singh, learned counsel for the defendants referring to the provisions of order 7 Rule 10 and 10A CPC has vehemently urged that on the representation of the plaint by the plaintiff after it was returned to him for proper presentation pursuant to the order dated 30.4.2004, will amount to institution of a fresh suit and the entire procedure for the trial of the suit will have to be

undergone in terms of the Code of Civil Procedure. In other words, his submission is that after the return of the plaint by the District Court and on its representation in this Court all the proceedings which had been taken in the suit before the return of the plaint had come to an end and consequently the ad-interim ex-parte injunction order granted by this Court on 1.5.2001 and which continued and remained in force even during the pendency of the suit in the District Court consequent upon the change in the pecuniary jurisdiction of the two courts had come to an end on 30.4.2004. On the other hand Mr. Sudhir Chandra, learned senior counsel for the plaintiffs has urged that even on a very strict construction of the provisions of Order VII Rule 10 and 10A CPC, the representation of the plaint is deemed to be a fresh institution of the suit, there is no inherent bar for this Court in treating the present suit in continuation of the initially suit instituted by the plaintiffs and to proceed from that stage of the trial at which it had reached. In order to appreciate the respective submissions, it is necessary to take note of the provisions of Rule 10 and 10A of the Order VII of the CPC which are to the following effect:-

Return of plaint-(1) (Subject to the provisions of rule 10-A, the plaint shall) at any stage of the suit be returned to be presented to the Court in which the suit should have been instituted. (Explanation- For the removal of doubts, it is hereby declared that a Court of appeal or revision may direct, after setting aside the decree passed in a suit, the return of the plaint, under this sub-rule.)

(2) Procedure on returning plaint- On returning a plaint the Judge shall endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reasons for returning it. 10-A. Power of Court to fix a date of appearance in the Court where plaint is to be filed after its return-

(1) Where, in any suit, after the defendant has appeared, the Court is of opinion that the plaint should be returned, it shall, before doing so, intimate its decision to the plaintiff.

(2) Where an intimation is given to the plaintiff under sub-rule (1), the plaintiff may make an application to the Court-

(a) specifying the Court in which he proposes to present the plaint after its return,

(b) praying that the Court may fix a date for the appearance of the parties in the said Court, and

(c) requesting that the notice of the date so fixed may be given to him and to the defendant.

(3) Where an application is made by the plaintiff under sub-rule (2), the Court shall, before returning the plaint and notwithstanding that the order for return of plaint was made by it on the ground that it has no jurisdiction to try the suit,-

(a) fix a date for the appearance of the parties in the Court in which the plaint is proposed to be presented, and

(b) give to the plaintiff and to the defendant notice of such date for appearance.

(4) Where the notice of the date for appearance is given under sub-rule (3),-

(a) it shall not necessary for the Court in which the plaint is presented after its return, to serve the defendant with a summons for appearance in the suit, unless that Court, for reasons to be recorded, otherwise directs, and

(b) the said notice shall be deemed to be a summons for the appearance of the defendant in the Court in which the plaint is presented on the date so fixed by the Court by which the plaint was returned.

(5) Where the application made by the plaintiff under sub-rule (2) is allowed by the Court, the plaintiff shall not be entitled to appeal against the order returning the plaint.

7. From a perusal of the above Rules, it is manifest that the provisions of Rule 10 are subject to the provisions of Rule 10A which has been inserted by the Amendment Act, 1976. The Rule has been inserted so as to obviate the requirement for effecting the service of the summons again on the defendants who had appeared in the previous Court. However, this Rule nowhere provides that on return of the plaint and its representation in the Competent Court, earlier proceedings taken in the suit can be deemed to have been continued. The interpretation and effect of this provision i.e. Rule 10 has been considered by the Supreme Court in the case of *Amar Chand Inani, v. Union of India* 1973 (1) SCC 313. In that case an argument was raised on behalf of the appellant that the suit instituted in the Trial Court by the presentation of the plaint after it was returned for presentation to proper Court was a continuation of the suit filed in the Karnal Court must be deemed to have been filed in the Karnal Court and, Therefore, the suit filed in Karnal Court must be deemed to have been filed in the Trial Court. This argument was negated by the Supreme Court by observing ""We think there is no substance in the argument, for, when the plaint was returned for presentation to the proper court and was presented in that court, the suit can be deemed to be instituted in the proper court only when the plaint was presented in that court. In the other words the suit instituted in the Trial Court by the presentation of the plaint returned by the Panipat Court was not a continuation of the suit filed in the Karnal Court. In the case of *Nanikutty Amma Devaki Amma and Others Vs. Krishnan Kochunarayanan Nair and Others*, , the Kerala High Court has also in the similar circumstances held that after the order of return of the plaint if any amendment is made by the plaintiff in the plaint and represents it, it is really a fresh plaint which the court has always power to receive. The Bombay High Court as back as in the year 1928 in the case of *Hirachand Succaram Gandhi Vs. G.I.P. Railway Company*, had held that when the plaint is returned to be presented in a Court of competent jurisdiction, the suit is to be considered as instituted on the date of such presentation, and the suit thus presented cannot be said to be in continuation of the suit filed in a Court without jurisdiction. In a later decision in the case of *Hanamanthappa and Anr. v.*

Chandrashekhara and Ors. AIR 1997 SCC 1307 the contention that since the plaint has been filed with amended averments, the same should be treated to be a fresh one and not one after the representation to the proper court, the Apex Court repelled the contention by stating "" Object of order VII Rule 10 CPC is that the plaintiff on return of the plaint, can either challenge in an appellate forum or represent to the Court having territorial jurisdiction to entertain the suit. In substance, it is a suit filed afresh subject to the limitation, pecuniary jurisdiction and payment of the Court fee as has been pointed by the High Court.

8. In support of his contention that the present suit which was instituted on the representation of the plaint in this Court on 20.5.2004, be treated in continuation of the suit which was initially filed in this Court and transferred to the District Court Mr. Sudhir Chandra, learned senior counsel for the plaintiff has referred to the provisions of Section 24(5) CPC which read as under:

"" A suit or proceeding may be transferred under this Section from a Court which has no jurisdiction to try it.""

9. Section 24 of the Code deals with the general power of transfer and withdrawal of suits, appeals or other proceedings pending before the Subordinate Court or by the High Court or the District Court for trial or disposal to any Court subordinate to them. The effect of sub-section (5) of Section 24 came to be considered by this Court in the case of Rail Chand Vs. Alal Chand and Others, and in the case of Pushpa Kapal v. Shiv Kumar 35 (1998) D.L.T. 187. In the former case it was held that although the Commercial Sub-Judge was not empowered to direct the placing of the file before the District Judge for transfer yet this case cannot be satisfactorily disposed of by merely rejecting the plaint. It would not be in the interests of justice if the plaint were returned and the case had to be tried all over again. In the latter case after an order of return of the plaint had been made by the Trial Court for presentation to the Court of District Judge due to enhancement in the pecuniary value of the suit which the Trial Court was not competent to try but before representing the plaint to the Court of the District Judge, an application u/s 24 read with Section 151 CPC was moved on behalf of the plaintiff in the High Court. Before the High Court it was pleaded on behalf of the plaintiff that if only the plaint was to be returned to the plaintiff for presentation of the same to the Court of District Judge, de novo proceedings would have to be started by the court of the District Judge, which would put the plaintiff to unnecessary harassment culminating into unnecessary delay in the disposal of the suit, and that if the suit is transferred by the High Court to the Court of District Judge, the District Judge would not have to record the evidence afresh and would take up the case from the stage it had reached and would thus be left only with the task of hearing the final arguments in the matter. The Court invoking the provisions of sub-section 5 of Section 24 to the aid of the plaintiff held as under:

"" Sub-section 5 of this provision was inserted by CPC (Amendment) Act, 1976 for the first time and its insertion was necessitated for the reason that some of

the High Courts in India were of the view that suit/appeal/ proceeding pending before a court must be understood in the sense that the same was duly pending meaning thereby that it was pending in a court of competent jurisdiction, and if it was pending in a court without jurisdiction, the same could not be transferred from that court to another court. In order to do away with the mischief caused by the time consumed in recording the evidence sub-section (5) was inserted in Section 24 as a result of which a suit or proceeding can be transferred under this section from a court which has no jurisdiction to try it and the application of this provision of law is most suitable in the circumstances of the case like the suit in hand where as already pointed out above, a fresh exercise of recording the entire evidence would have to be gone through unnecessarily by the court of the District Judge if the order dated 11th January, 1988, directing the return of the plaint to the plaintiff for presentation to the court of the District Judge is kept intact and enforced and which unnecessary has harassment can be obviated by ordering the transfer of this suit to the court of District Judge who, in which contingency, would be able to hear arguments of the parties straight away without recording the evidence afresh. Thus, sub-section (5) appears to have been inserted in section 24 to do away with this mischief and is a very just provision meant for application in such like cases.

10. Mr. Sudhir Chandra has also sought support from a Allahabad Court decision in the case of Amar Nath Swami v. Ramdeo 2000 ALL.3023, where in para 7 of the said judgment the Court had restated the observations of the Supreme Court that the provision contained in Rule 10A and 10 (B) are procedural in aid of the proceedings. Procedures are hand maiden of justice. Technicalities cannot stand in the way. There is no quarrel on these propositions but at the same time, this Court cannot loose sight of the facts and circumstances of the present case and the orders and proceedings which have been passed from time to time. None of the above authorities can be squarely applied to the facts of the present case because in the present case no application u/s 24(5) read with Section 151 CPC has been moved on behalf of the plaintiff before the High Court and in any case the above order of transferring the suit from the Trial Court to the District Court came to be passed not by the Civil Court for the District Court but by the High Court which by virtue of its inherent power as well as the express powers as contained in Section 24 was well within its rights to pass such an order. It is, Therefore, not possible to apply the provisions of Section 24(5) in the case in hand because no question of transfer of the suit from the District Court to this Court arose. Therefore, the present suit for all intents and purposes will be deemed to be a freshly instituted suit w.e.f. 24.5.2004 after the representation of the plaint.

11. Mr. Sudhir Chandra, learned counsel for the plaintiff has then urged that the present suit remains the same in substance and for all practical purposes as the originally instituted suit CS(OS) No.883/2001 except that it remained pending before the Additional District Judge for a short duration during which only an application u/s VI Rule 17 CPC was moved and no other substantial proceedings

of any kind have taken place in the said Court and consequently it be deemed to be the transfer of the suit from the District Court to the High Court. This contention appears to be devoid of any merits whatsoever because of the mandatory nature of the provisions of Order VII Rule 10A CPC. Moreover the transfer of the suit by this Court to the District Court cannot be equated to the return of the plaint by the district court for presentation before this Court. The transfer of the suit bearing No. CS(OS) No.883/2001 to the District Court was necessitated on account of provisions of Section 2 of the Delhi High Court (Amendment) Act, 2003 (Act No.35 of 2003) which was enforced w.e.f. 16.7.2003 vide a Government of India Notification of even date and the office order Nos. 37/DHC/ORGL dated 20.8.2003. This statutory change had necessitated the transfer of the said suit and, Therefore, any suit including any proceedings which had been taken in the suit which was required to be transferred to the board of District Court must be tried and disposed of in accordance with law from that stage at which the trial of the suit was at the time of its transfer will be deemed to have continued. The High Court otherwise has inherent powers to transfer a suit or proceedings to a District Court for trial/disposal in accordance with law. However, vice versa will not hold good firstly because the district court has no power to transfer any suit or proceedings from its board to High Court under any provisions of the Code and secondly no transfer of the suit was envisaged by the order dated 30.4.2004 A direction contained in the said order to the effect that the rest of the file be sent to the Delhi High Court through learned District and Sessions Judge, Delhi, cannot be construed to mean that the Additional District Judge had intended to transfer the suit itself to the High Court. Strictly speaking, after the learned Additional District Judge had made the order for return of the plaint to the plaintiff for its representation before the Court of competent jurisdiction such a direction was not at all called for. It is a different matter that this Court might call for the record of the said suit for its perusal in connection with the suit which might be instituted on the representation of the plaint. In the opinion of this Court, the said direction is of no serious consequence and is liable to be ignored having regard to the provisions of Rule X and Rule 10A of order VII CPC.

12. It is correct that in contrast to the statute dealing with substantive rights, statutes dealing with merely matters of procedure are to be construed in a liberal manner. Therefore, the provisions contained in the Code should be considered liberally, as far as possible technical objections should not be allowed to defeat substantial justice. However, it is equally true that the provisions of the Code are meant to be observed and not to be flouted at the will, whims and fancy of a party. When a particular procedure has been prescribed by the Code, parties and the courts have no option except to follow the same.

13. For the forgoing reasons, this Court must conclude:

(i) The suit which is instituted on the representation of the plaint in the competent court after its return by the Court which lacked the jurisdiction is a

freshly instituted suit within the meaning of the provisions of the CPC and shall be governed by the provision of Order VII Rule 10 and 10A. Such a suit will be tried de nove in accordance with the provisions of the Code.

(ii) Any proceedings taken up and orders made in the suit during its pendency before the court which lacked necessary jurisdiction come to an end as soon as the order for the return of the plaint is made by the said court.

(iii) If the plaintiff on the return of the suit consider it necessary that any interim protection granted to him under the orders of the Court which lacked jurisdiction should be continued, he must approach the competent Court with a fresh application for grant of such a relief and it will be for the said Court to consider the application on its merits.

(iv) The return of the plaint for want of jurisdiction whether pecuniary or territorial cannot be equated to the transfer of the suit or proceedings either by virtue of Section 24 CPC or owing to any other statutory change.

14. In view of the above propositions, is No.5668/2004 made by the plaintiff seeking a confirmation from this Court that the ad-interim injunction dated 1.5.2001 had continued or that this Court should made an order of status quo as was prevalent on 30.4.2004 is liable to be dismissed. Strictly speaking for the reasons as noted in the beginning of this Order, the application 3762/2004 is also liable to be dismissed because the present suit cannot be said to be a duly instituted suit in this Court as on 20.5.2004, the plaintiffs had not cared to file the amended plaint in this Court after incorporating the amendment which was allowed by the District Court in regard to the enhancement of the valuation of the suit. Instead what the plaintiff did was to take back the same plaint which was pending in the District Court and filed the same in this Court on 20.5.2004 Even additional court fee which became payable on the enhanced jurisdictional value of the suit was not paid at the time of representation of the plaint and was only paid on 3.7.2004 Therefore, strictly speaking there is no lawfully instituted suit today because this Court did not have the jurisdiction to entertain and try the said suit pursuant to the unamended plaint which was represented to the Court on 20.5.2004 However, since an application has been made on behalf of the plaintiff seeking permission to file the amended plaint, and court fee which stands filed, without taking a very strict and to avoid undue harassment to the plaintiffs and delay in the disposal of the suit, this Court as a special case would allow the application of the plaintiff bearing No.3762/2004, permitting him to file the amended plaint. So far as is No.6730/2004 made on behalf of the defendant is concerned, the same deserves to be allowed.

15. In the result is Nos. 5668/2004 is hereby dismissed. is No. 3762/2004 is hereby allowed however, subject to payment of Rs.10,000/- as costs. Amended plaint and the additional court fee filed by the plaintiff is ordered to be taken on record. Defendant is granted two weeks time to file amended additional/written statement to the amended plaint. Replication, if any, may be filed within two

weeks thereafter. Dismissal of is No., 5668/2004 filed on behalf of the plaintiff will not debar the plaintiff from moving a fresh application for grant of any interlocutory relief. I. A. No.6730/2004 is also allowed. The Registry is directed to maintain the record of the present suit in accordance with law. CS(OS) No.518/2004 List the matter before the Joint Registrar on 12th January, 2005 for completion of pleadings and admission/ denial of documents.