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

+ **CONT.CAS(C) 608/2023**

K K KAPOOR

..... Petitioner

Through: Mr. Kamal Bansal, Advocate with
Mr. Kundan Lal, Advocates.

Versus

S R ASHOK AND ASSOCIATES PRIVATE LIMITED & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

09.05.2023

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[The proceeding has been conducted through Hybrid mode]

CM APPL. 23727/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Petitioner files this contempt petition on the ground that the respondents have violated the orders of restraint passed by this Court vide the order dated 08.08.2022.

4. Issue notice. On petitioner taking steps within a week, notice may be served upon the respondents through all permissible modes. Additionally, through learned counsel appearing for the respondents before the learned Trial Court.

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5. Reply, if any, be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

6. List CM (M) 773/2022 on 27.07.2023

CM APPL. 23726/2023 (for direction)

7. This is an application filed on behalf of the petitioner under Section 151 of the CPC, 1908 seeking interim directions and the continuance of the stay order dated 08.08.2022 passed in CM (M) 773/2022.

8. Mr. Kamal Bansal, learned counsel appearing for the petitioner submits that by inadvertence, in the order dated 11.01.2023 in the aforesaid CM, the direction that interim orders to continue was not noted, due to which the learned Trial Court in accordance with the ratio laid down by the Hon'ble Supreme Court in ***Asian Resurfacing of Road Agency Pvt. Ltd. and Ors. vs. Central Bureau of Investigation*** reported in AIR 2018 SC 2039, had concluded that the Supreme Court had laid down the maximum period of six months for a stay to continue and since there was no continuity of stay noted in the order dated 11.01.2023, the Court had proceeded with the suit. On this erroneous assumption, Mr. Bansal submits that the learned Trial Court is proceeding with the suit contrary to the order dated 08.08.2022 passed by this Court.

9. Issue notice. On petitioner taking steps within a week, notice may be served upon the respondents through all permissible modes. Additionally, through learned counsel appearing for the respondents

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before the learned Trial Court.

10. In the meanwhile, the learned Trial Court in terms of the order dated 08.08.2022 passed in CM(M) 7773/2022, shall keep the proceedings in CS(COMM) No. 61/2019 titled as “*M/s. Ambience Services vs. SR Ashok & Associates Pvt. Ltd. & Others*” in abeyance till the next date of hearing i.e., 27.07.2023.

TUSHAR RAO GEDELA, J

MAY 9, 2023/nd

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