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

+ RFA 260/2024 & CM APPL. 23312/2024

KAYCEE BATTERY HOUSE & ANR. Appellants

Through: Mr. Tarun Kr. Makhija and Mr.
Deevanshu Sharma and Mr. Mohd.
Faisal, Advocates

versus

STARLIT POWER SYSTEMS & ANR. Respondents

Through: *Nemo*

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **23.04.2024**

1. The instant appeal under Section 96 read with Order XLI of the Code of Civil Procedure, 1908 (CPC) and Section 151 of the CPC has been filed on behalf of the appellants seeking the following reliefs:

*“a. to summon the trial Court record and to set-aside/quash the Order and decree dated 13.02.2024 passed by Shri Abhitosh Pratap Singh Rathore, Ld. Additional District Judge-04, South District, Saket Courts, New Delhi in suit bearing No.CS/DJ-258/2020 titled as “Starlit Power Systems Ltd. Vs. Kaycee Battery House & Anr.” and the application filed by the appellants/defendants may kindly be allowed as prayed therein.
b. to award the cost of litigation in favour of the appellants and against the respondents;*

(c). any other or further order/relief which this Hon’ble Court may deem fit and proper under the facts and circumstances, mentioned herein above, in favour of the appellants, in the



interest of natural justice .”

2. Heard.
3. Issue notice of the appeal and the accompanying application of stay to the respondents through all permissible modes on filing PF within one week.
4. This Court is of the considered view that the matter requires consideration. Subject to the appellants depositing 50 % of the decretal amount before the Registrar General of this Court within a period of three weeks, the operation of the impugned order and decree shall remain stayed till the next date of hearing. The amount so deposited by the appellants shall be invested in an interest bearing FDR in an auto renewal mode.
5. List on 13th August, 2024 before Registrar for completion of service and pleadings.

CHANDRA DHARI SINGH, J

APRIL 23, 2024
gs/db

Click here to check corrigendum, if any