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

+ **RFA 274/2024**

EXPO FREIGHT PVT. LTD. Appellant

Through: Mr.Siddharth and Mr. M.Asif Khan,
Advocates

versus

COMMITTED CARGO CARE PVT. LTD. Respondent

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **30.04.2024**

CM APPL. 24951/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CM APPL. 24952/2024 (Delay in re-filing)

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 for condonation of delay in re-filing the instant appeal.

2. For the reason stated in the application, the delay of 27 days in re-filing the appeal is condoned.

3. The application is disposed of.

RFA 274/2024

1. The instant regular first appeal under Section 96 of the Code of Civil Procedure, 1908 has been filed on behalf of appellant seeking the following reliefs:-



" A. Call for the complete trial court records of the Counter Claim No. 36 of 2023 ; titled as —Expo Freight Pvt. Ltd. Vs. Committed Cargo Care Pvt. Ltd." decided on 28.11.2023; by the court of Ms. Shilpi M. Jain, Addl. District Judge - 05, South West District, Dwarka Courts, Delhi; and

B. To accept/admit the appeal and set aside the impugned judgment and decree passed in Counter Claim No. 36 of 2023 ; titled as "Expo Freight Pvt. Ltd. Vs. Committed Cargo Care Pvt. Ltd." decided on 28.11.2023; by the court of Ms. Shilpi M . Jain, Addl. District Judge - 05, South West District, Dwarka Courts, Delhi; and thereby decreeing/allowing the Counter Claim of the Counter Claimant/Defendant with costs.

C. The Hon'ble court may be graciously pleased to grant of such other appropriate reliefs, as the Hon'ble Court deems fit and proper in the circumstances of the case, in the interest of justice."

2. Heard.

3. On filing PF within a week, issue notice to the respondent through all permissible modes, returnable before the Registrar on 2nd August, 2024.

4. With regard to the prayer of the appellant seeking interim relief, this Court is of the view that the instant matter requires consideration and, *prima facie*, the balance of convenience lies in favour of the appellant. Therefore, the operation of the impugned judgment and decree dated 28th November, 2023 shall be kept in abeyance till the next date of hearing.

CHANDRA DHARI SINGH, J

APRIL 30, 2024

dy/ryp

[Click here to check corrigendum, if any](#)