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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 596/2021 and I.A. 4824/2024**

M/S EVERLIGHT ELECTRONICS CO. LTD. Plaintiff

Through: Mr. Venamra Mahaseth, Mr. Varuna
Thakur and Mr. Himanshu Kumar,
Advs. (M:7838575956)

versus

SR ELECTRO Defendant

Through: Mr. Vikas Sharma, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **29.02.2024**

1. This hearing has been done through hybrid mode.

I.A. 4824/2024 (for summary judgment)

2. This is an application filed under Order XIII-A Rule 3 of CPC seeking summary judgment on the ground that the documents in terms of the previous order have not been produced and therefore a summary judgment is liable to be passed. A perusal of the previous order dated 30th January, 2024 shows that the Court has already given opinion that this is not a case for a summary judgment and the trial was directed in the matter. Specifically, the Court has observed as under:

“12. Details of the claim filed by the Defendant in the CIRP proceedings relating to M/s. NTL Electronic India Limited shall also be disclosed in the evidence along with the relevant documents.

xxx xxx xxx

18. No further unnecessary applications would be liable to be entertained. The trial should continue expeditiously considering the substantial sum of which recovery is sought. If the documents as per today's



order are not produced by the Defendant, Plaintiff is free to file an appropriate application.”

3. Despite the above order, the Plaintiff has again chosen to move this application seeking a summary judgment.

4. In the opinion of this Court, the same is an abuse of process. The application is dismissed with Rs.10,000/- as costs to be paid to the Defendant.

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5. List on the dates fixed i.e. before the Joint Registrar on 20th March, 2024 and before the Court on 5th August, 2024.

6. The trial in the matter shall proceed and no unnecessary adjournments shall be granted

PRATHIBA M. SINGH, J.

FEBRUARY 29, 2024

Rahul/bh