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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2819/2024 & CM APPL. 36017-36018/2024**
GKW RETAIL SOLUTIONS PVT. LTD Petitioner

Through Mr. Shiven Banga, Mr. K.K. Aggarwal
& Mr. Ashish Garg, Advocates

versus

BALAJI ACTION BUILDWELL PVT. LTD Respondent
Through None

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

% **ORDER**
02.07.2024

CM APPL. 36017/2024

Exemption allowed subject to all just exceptions.

CM(M) 2819/2024 & CM APPL. 36018/2024 (stay application)

1. Petitioner is defendant before the learned Trial Court. Petitioner is aggrieved by order dated 11.12.2023 and also order dated 13.05.2024.
2. I have gone through both the aforesaid orders.
3. Attention of the Court has also been drawn towards order dated 19.10.2023. On that day, DW1 Sh. Shree Sharma was present in the Court and was cross-examined by the learned counsel for plaintiff and was discharged. It is contended by learned counsel for petitioner that on the same day i.e. 19.10.2023, defendant had moved an application under Section 151 CPC for seeking permission to file certificate under Section 65B Indian Evidence Act and such certificate was required to be proved by same witness



i.e. DW1 Sh. Shree Sharma. However, learned Trial Court examined the witness and discharged him and kept the application for hearing arguments on a subsequent date. On such subsequent date, the said application was dismissed holding that the evidence of said witness was already complete.

4. It is stated that next date before the learned Trial Court is 18.07.2024 for final arguments.

5. Learned Trial Court would be at liberty to hear arguments but will not pronounce the judgment till the disposal of the present petition.

6. Issue notice to respondent (s) through all permissible modes including *dasti* returnable on 30.07.2024.

MANOJ JAIN, J

JULY 2, 2024/dr