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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3299/2024 & CM APPL. 50438-50439/2024**
ALLIED BLENDERS AND DISTILLERS LTD (FORMERLY
KNOWN AS ALLIED BLENDERS AND DISTILLERS PVT LTD)

.....Petitioner

Through: Mr. Sanjay Chhabra and Mr. Suganth
Virmanie, Advocates

versus

JASBIR SINGH AND COMPANY & ORS.

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **02.09.2024**

CM APPL. 50439/2024 (exemption)

Exemption allowed, subject to all just exceptions.

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1. Order XIV Rule 2 CPC reads as under:-

Order XIV - Settlement of Issues and Determination of Suit on Issues of Law or on Issues agreed upon

2. Court to pronounce judgment on all issues.—(1) Notwithstanding that a case may be disposed of on a preliminary issue, the Court shall, subject to the provisions of sub-rule (2), pronounce judgment on all issues. (2) Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on an issue of law only, it may try that issue first if the issue relates to— (a) the jurisdiction of the Court, or (b) a bar to the suit created by any law for the time being in force, and for that purpose may, if it thinks fit, postpone the settlement of the other issues until after that issue has been determined, and may deal with the suit in accordance with the decision on that issue.

2. Petitioner herein is plaintiff before the learned Trial Court. It

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had filed a summary suit.

3. By virtue of the impugned order, not only the suit in question was treated as a regular suit, learned Trial Court also framed a “preliminary issue” with respect to territorial jurisdiction and directed the petitioner/plaintiff to lead evidence on said issue.

4. Learned counsel for the petitioner, without prejudice to his rights and contentions, states that he does not raise any grievance with respect to the conversion of suit from “summary” to “regular” but since issue which has been framed by the learned Trial Court is, strictly speaking, not a legal issue and since the learned Trial Court itself has already directed the parties to lead evidence with respect to aforesaid issue, it would be amounting to piecemeal trial because if the aforesaid issue is decided in favour of the plaintiff, there would be another round of trial. It is also contended that the learned Trial Court has not even framed other issues arising from the suit in question.

5. Keeping in mind the aforesaid peculiar position, let notice be issued to the respondent (s) through all permissible modes including *dasti*. Notice be also issued through counsel.

6. Re-notify on 18.12.2024.

7. In the meanwhile, learned Trial Court is requested to defer the hearing to a date subsequent to the one given by this Court.

MANOJ JAIN, J

SEPTEMBER 2, 2024/dr