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

+ **CM(M) 3946/2024**

HAVELLS INDIA LTD

.....Petitioner

Through: Mr. Inderbir Singh Alag, Sr Adv with
Mr. Niraj Singh & Mr. Deepak
Jaiswal, Advs.

versus

**WANDERLUST SOULS PROPRIETORSHIP CONCERN
THROUGH ITS AUTHORIZED REPRESENTATIVE SH RAKESH
TIWARI**

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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29.11.2024

CM APPL. 69836/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 3946/2024 & CM APPL. 69835/2024 (Stay)

1. The petition challenges the directions issued by the learned District Judge-07, Central, Tis Hazari Court vide order dated 22.10.2024.
2. The petitioner is the defendant in the recovery suit filed by the respondent.
3. Learned counsel for the petitioner submits that the petitioner has preferred a counter claim in the suit. He further submits that invoices were inflated and there were no supporting documents for the claim. However,



learned Trial Court while hearing the application under Order XII Rule 6 CPC, without even deciding the application, issued directions to the petitioner to file an FDR in the sum of Rs.15,56, 196/- in the name of the learned Trial Court within 30 days and the said FDR will be released to the succeeding party.

4. It has also brought to the notice by learned counsel for the petitioner that one of the issues framed by the learned Trial Court is regarding the entitlement of the plaintiff to the decree for recovery of Rs 21,98,641.27/-.

5. It is thus submitted that the petitioner has already challenged the invoices being inflated and also has a counter claim in the case and therefore, in such circumstances, the directions for filing the FDR are totally uncalled for.

6. Matter requires consideration.

7. Issue notice to the respondent by all prescribed modes, subject to taking necessary steps, returnable on 28.04.2025.

8. In the meanwhile, direction of the learned Trial Court for filing the FDR is kept in abeyance till the next date of hearing.

RAVINDER DUDEJA, J

NOVEMBER 29, 2024

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