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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 199/2016

GANNON DUNKERLEY & CO LTD

..... Plaintiff

Through: Mr. A.K. Seth & Mr. Vineet Seth,
Advocates.

versus

M/S PRAKASH INDUSTRIES LTD

..... Defendant

Through: Mr. Jaivardhan Jeph, Adv.

CORAM:

**SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

O R D E R

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02.12.2019

I.A.No. 16906/2018 under Section 151 CPC for waiver of cost &

**I.A.No. 16907/2018 under Section 5 of the Limitation Act, 1963
for re-filing the application of waiver of cost under Section 151
CPC, both filed by the defendant**

It is submitted by counsel for the parties that the aforesaid applications be taken up for consideration on the next date of hearing.

**I.A.No.16873/2019 under Section 5 of the Limitation Act filed on
behalf of the defendant seeking condonation of delay of 72 days
for filing the affidavit of admission/denial of the documents and
documents schedule**

It is submitted by counsel for the defendant that he may be permitted to withdraw the aforesaid application.

Heard. In view of the above submissions, the aforesaid application stands disposed of as withdrawn.

CS(COMM) 199/2016

Affidavit of admission/denial of the documents filed by the plaintiff still stated to be not as per law/rules. Counsel for the plaintiff seeks further time for filing fresh affidavit of admission/denial of the documents. Heard. Request is allowed. Plaintiff is directed to file fresh/proper affidavit of admission/denial of the documents in accordance with The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 within two weeks with direction to supply advance copy of the same to the opposite counsel. Last and final opportunity is granted for filing the same. It is made clear that no further opportunity shall be granted to the plaintiff for the same.

At joint request, re-notify the matter for consideration on the aforesaid applications and admission/denial of the documents on **04th February, 2020**.

**VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

DECEMBER 02, 2019*/nk*