



\$~3 to 6

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

+ CS(COMM) 859/2016, I.A. 1601/2019

M/S HIGH VALUE EXIM PVT. LTD. Plaintiff

Through: Mr. P.D. Gupta, Sr. Advocate with
Mr. Abhishek Gupta, Advocate

versus

CONTAINER CORPORATION OF INDIA LTD Defendant

Through: Mr. M.M.Kalra, Advocate

+ CS(COMM) 860/2016, I.A. 1603/2019

M/S GOODONE TRADERS PRIVATE LIMITED Plaintiff

Through: Mr. P.D. Gupta, Sr. Advocate with
Mr. Abhishek Gupta, Advocate

versus

CONTAINER CORPORATION OF INDIA LTD Defendant

Through: Mr. M.M.Kalra, Advocate

+ CS(COMM) 861/2016, I.A. 1598/2019

M/S WELLDONE EXIM PRIVATE LIMITED Plaintiff

Through: Mr. P.D. Gupta, Sr. Advocate with
Mr. Abhishek Gupta, Advocate

versus

CONTAINER CORPORATION OF INDIA LTD Defendant

Through: Mr. M.M.Kalra, Advocate

+ CS(COMM) 863/2016, I.A. 2978/2014, I.A. 1599/2019

M/S ATTIRE DESIGNERS PRIVATE LTD Plaintiff

Through: Mr. P.D. Gupta, Sr. Advocate with
Mr. Abhishek Gupta, Advocate

versus



CONTAINER CORPORATION OF INDIA LTD Defendant

Through: Mr. M.M.Kalra, Advocate

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

%

19.01.2024

I.A. 10719/2023 (Under Section 151 CPC) in CS(COMM) 859/2016

I.A. 10722/2023 (Under Section 151 CPC) in CS(COMM) 860/2016

I.A. 10721/2023 (Under Section 151 CPC) in CS(COMM) 861/2016

I.A. 10720/2023 (Under Section 151 CPC) in CS(COMM) 863/2016

1. By way of the present applications, the plaintiff seeks the present suits to be consigned sine die till the Appeal No. RFA(OS) 46/2015 preferred against CS(OS) No. 2033/10, is decided.

2. Learned counsel appearing on behalf of the plaintiffs submits that an identical suit was filed on behalf of the plaintiffs earlier containing same facts but the same was dismissed against which an Appeal is pending.

Learned counsel for the plaintiffs further submits that the issues involved in the present suits on which the Railways Act is applicable to CCI or not is the core issue, which is also an objection in the present suits. No fruitful purpose would be served in pursuing the present suits in case the aforesaid appeal is dismissed.

3. Learned counsel appearing on behalf of the Defendant opposes the request on the ground that the Companies are different.

4. Therefore, on the request of the counsel for the plaintiffs, the present applications are allowed and the Suits are consigned *sine die* to be revived as when the Appeal No. RFA(OS) 46/2015 preferred against CS(OS) No.



2033/10 is decided.

5. In view of above, the present applications are disposed of.

CS(COMM) 859/2016

CS(COMM) 860/2016

CS(COMM) 861/2016

CS(COMM) 863/2016

1. In view of the order passed in I.As.10719/2023, 10720/2023, 10721/2023 & 10722/2023, the present suits are consigned sine-die to be revived as when the Appeal No. RFA(OS) 46/2015 preferred against CS(OS) No. 2033/10 is decided.

2. The next date of hearing i.e., 31.01.2024 before the learned Joint Registrar stands cancelled.

NEENA BANSAL KRISHNA, J

JANUARY 19, 2024/PT