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

+ **CS(OS) 3560/2014**

RAKESH KUMAR SINGH

..... Plaintiff

Through: Ms. Abha Malhotra, Ms. Amrita
Sony and Ms. Pranjal Abrol,
Advocates (M: 822275696).

versus

GATI LTD.

..... Defendant

Through: Mr. Shankar Kr. Jha, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **29.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 30911/2024 (for delay)

2. This is an application filed by the Plaintiff seeking condonation of delay in filling the application under section 114 of CPC, 1908 *i.e.*, **REVIEW PET.-223/2024** for review of the impugned order dated 23rd April, 2024. The delay is condoned.

3. For the reasons stated therein the application is disposed of.

REVIEW PET. 223/2024

4. This is a review petition seeking review of the order dated 23rd April, 2024. Ld. Counsel for the Plaintiff points out that this Court has proceeded on the presumption that there is an issue framed to the effect that the counter-claim does not disclose a cause of action. However, there is no issue to that effect framed on 2nd May, 2018. After having heard, ld. Counsel for the parties, an Additional issue is framed as under:



4(a). *Whether the Defendant's counter claim does not disclose a cause of action? OPD*

On the above issue, once the Defendant has led the evidence in affirmative in the counter claim, the Plaintiff may lead evidence in rebuttal.

5. Accordingly, review petition is disposed of.

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6. List before the Joint Registrar on 26th July, 2024, *i.e.*, the date already fixed.

7. List before the Court on 30th September, 2024.

PRATHIBA M. SINGH, J.

MAY 29, 2024

mr/ks