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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1545/2016, CC(COMM) 53/2018, I.A. 3419/2017
KALRA PAPER CONVERTOR & TRADER PVT LTD Plaintiff

Through: Mr. D.K. Pandey, Advocate

versus

NATIONAL INSURANCE COMPANY LTD & ORS ... Defendants

Through: Mr. Siddhartha Yadav and Mr.
Deepak Kumar Mishra, Advocates for
D-4

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
22.03.2024

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I.A.15166/2023(under Order XXXIX Rule 10 CPC)

1. The present application has been filed on behalf of Defendant No. 4 under Order XXXIX Rule 10 CPC seeking the return of 3 empty Containers bearing nos. TEMU3992266, TEMU3992348 and TEMU3992604 which are presently lying with the plaintiff at his factory premises.

2. *Learned counsel on behalf of the plaintiff* submits that he does not wish to file any formal reply to the application and further submits that he has no objection if the Defendant arranges to take these 3 Containers from the factory premises of the plaintiff. He also states that since it is Defendant No.4 who is in breach of the contract, he does not have any corresponding obligation to deliver these containers at the place of Defendant No.4 in Palwal.



3. Learned counsel appearing on behalf of the Defendant No. 4 in return submits that he be permitted to take his containers without prejudice to his rights and claims under the contract between the parties.

4. Submissions heard.

5. In view of the submissions made, Defendant No. 4 is at liberty to take the containers within one month without prejudice to his rights under the contract.

6. The time for lifting the containers be fixed amongst the parties with consent and as per their mutual convenience.

7. The application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MARCH 22, 2024/PT