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

+ **CS(COMM) 1260/2016**

M/S UNITY INFRAPROJECTS LTD Plaintiff

Through: Mr. S. K. Jain, Adv.

versus

DELHI DEVELOPMENT AUTHORITY Defendant

Through: Mr. Rakesh Mittal, Adv.

AND

CS(COMM) 1378/2016

M/S UNITY INFRAPROJECTS LTD Plaintiff

Through: Mr. S. K. Jain, Adv.

versus

DELHI DEVELOPMENT AUTHORITY Defendant

Through: Mr. Rakesh Mittal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **19.03.2018**

IA No. 3773/2018 in CS(COMM) 1260/2016

IA No. 3775/2018 in CS(COMM) 1378/2016

1. Allowed subject to just exceptions.
2. Application is disposed of.

IA No. 3772/2018 in CS(COMM) 1260/2016 and IA No. 3774/2018 in CS(COMM) 1378/2016(both of the defendants for recall of the order dated 22nd January, 2018)

3. The defendant seeks recall of the order dated 22nd January, 2018 on IAs No. 19418/2014 and 19428/2014, stating that the affidavit by way of admission/denial of documents which was sought to be withdrawn was of an official, who was in collusion with the plaintiffs and thus the need for the defendant to withdraw the said affidavit. It is further contended that the
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affidavit of admission/denial of documents was filed even before the Court has required the same to be filed.

4. I have enquired from the counsel for the defendant/applicant, whether not the defendant would be required to lead evidence in the suit, of the official being in collusion with the plaintiff and the affidavit being thus not binding on the defendant and as to how without the Court being satisfied of circumstances for withdrawal of admission existing, an admission made in the legal proceedings can be permitted to be withdrawn. It has further been put to the counsel for the defendant DDA that the rights of the applicant/defendant DDA have been fully protected in para 1 of the order dated 22nd January, 2018 and no other order can be passed at this stage.

5. The counsel for the defendant/applicant DDA agrees that the evidence will be led.

6. In view of the aforesaid, no further orders are required on this application and there is no need for recall of the order.

7. The application is disposed of.

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8. The counsel for the plaintiff states that his file has been misplaced.

9. On the counsel for the plaintiff applying in accordance with rules for scanned copy of the file to be provided to him, the same be provided within 15 days of receipt of the application.

RAJIV SAHAI ENDLAW, J

MARCH 19, 2018

SRwt..