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

+ **CS(COMM) 389/2017**

M/S SAKUMA EXPORTS LIMITED..... Plaintiff

Through Ms.Mithila Jain, Adv. for plaintiff/
D-1 in CC

versus

M/S SIMBHAOLI SUGARS LIMITED & ORS..... Defendant

Through Ms.Suneha Jain, Mr.Suhael Buttan
and Ms.Vidhi Arora, Advs for D-1
Mr.Prabhakar Kandpal, Adv. for D-2
Mr.O.P.Gaggar, Mr.Suresh Khadav, Advs. for D-3
in counter claim

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

24.01.2019

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OA No.9/2019

By this appeal the plaintiff/appellant seeks to challenge the order dated 26.10.2018 whereby the learned Joint Registrar has noted that both the parties have not filed their affidavit of admission/denial of documents till date and hence both the parties are deemed to have admitted the documents of the other side.

Learned counsel appearing for the defendant No.3 in the Counter claim and learned counsel for defendant No.2 states that this court may set aside the order of the learned Joint Registrar and permit both the sides to file their admission/denial of documents.

Learned counsel appearing for defendant No.1/counter claimant, however, states that the written statement filed by the plaintiff to her counter



claim is lying under objections and the plaintiff has failed to take steps to rectify the same.

Keeping into account the submission, it is in the interest of justice that a final opportunity be granted to the parties to file their affidavit of admission/denial. The parties will do the needful within four weeks from today. The order dated 26.10.2018 stands modified accordingly.

Appeal stands disposed of.

IA 1002/2019

This application is filed seeking condonation of delay of 60 days delay in filing the appeal. For the reasons stated in the application the delay is condoned.

Application is allowed.

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List on 28.2.2019.

JAYANT NATH, J

JANUARY 24, 2019

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