



\$~1 (Original Side)

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

+ CS(COMM) 1222/2018, I.A. 13481/2019 (O-XXXIX R-1 & 2 of CPC), I.A. 13482/2019 (O-XXV R-1(1) of CPC), C(COMM)7/2020, I.A. 10917/2021

COMMUNICATION COMPONENTS

ANTENNA INC

..... Plaintiff

Through: Mr. Sidhant Goel, Mr. Mohit Goel
and Mr. Deepankar Mishra,
Advocates.

versus

ACE TECHNOLOGIES CORP. AND ORS.

..... Defendants

Through: Mr. Vineet Rohilla and Mr. Rohit
Rangi, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

23.01.2023

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1. Suit has been listed on a reference because of divergent opinion expressed by different Single Benches of this Court.

2. Questions referred are as under:

(i) Whether it is mandatory for the court to direct the plaintiff residing outside India and not possessing any sufficient immovable property within India, to furnish a security in terms of Order XXV Rule 1(1) of the CPC for payment of costs incurred or likely to be incurred by the defendant or whether the Court can exercise discretion in this regard?

(ii) Whether the proviso to Order XXV Rule 1(1) of the CPC is only applicable in respect of the suits relating to immovable



property?

3. Learned counsels for the parties pray for some time to address arguments.
4. Accordingly, list on 20.03.2023.
5. Parties shall file a brief note of submissions before the next date of hearing.

SANJEEV SACHDEVA, J

VIKAS MAHAJAN, J

JANUARY 23, 2023
'rs'