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

+ **CS(COMM) 679/2017**

MEX SWITCHGEARS PVT LTD Plaintiff

Through: Ms. Neelam Pathak and Mr. Raghav
Bhalla, Advocates.

versus

OMEX CABLES INDUSTRIES & ANR Defendants

Through: Mr. Umesh Mishra, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **02.05.2022**

I.A. 6616/2022 (under Order 11 Rule 1(5), by Plaintiff)

1. Present application has been preferred on behalf of the Plaintiff under Order 11 Rule 1(5) of the Commercial Courts Act, 2015 seeking leave to place on record a fresh Special Power of Attorney dated 31.03.2022 and a Board Resolution dated 31.03.2022, in favour of Shri Tejal Saini as well as permitting Shri Tejal Saini to depose as PW-1, in place of Shri Jai Kishan Saini on behalf of the Plaintiff company.

2. It is averred in the application that the present suit is at the stage of Cross-examination of PW-1/Shri Jai Kishan Saini, the Managing Director of the Plaintiff Company. However, Shri Jai Kishan Saini is 86 years old, presently residing in Jalandhar and it is not possible for him to travel to Delhi on account of his age and health issues.

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3. Issue notice.
4. Mr. Umesh Mishra, learned counsel accepts notice on behalf of the Defendants and submits that he has no objection to the application being allowed.
5. Application is accordingly allowed.
6. Special Power of Attorney and Board Resolution authorizing Shri Tejal Saini, the grandson of Shri Jai Kishan Saini, to depose as PW-1 are taken on record.
7. Shri Tejal Saini is permitted to depose as PW-1.
8. In view of the above, application stands disposed of.

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9. Amended memo of parties be filed within a period of one week from today.
10. Affidavit by way of evidence on behalf of Shri Tejal Saini be filed within a period of two weeks from today.

JYOTI SINGH, J

MAY 02, 2022/st