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

+ RFA 642/2023

KAMLESH BHAYANA Appellant

Through: Mr Anil Pruthi, Adv.

versus

NARESH PAL SINGH & ORS. Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **01.11.2023**

CM APPL. 56112/2023

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RFA 642/2023, CM APPL. 56111/2023, CM APPL. 56199/2023 & CM APPL. 56201/2023

1. This is an appeal seeking to set aside the judgment and decree dated 31.05.2023 passed by learned Additional District Judge-01, West District, Tis Hazari Courts, New Delhi in CS DJ No. 608515/2016 wherein the suit for recovery filed by the appellant was dismissed.
2. It is stated by Mr Pruthi, learned counsel for the appellant that the learned ADJ has failed to appreciate that there was no need for impleading a sole proprietorship as a defendant when the sole proprietor is impleaded.
3. Issue notice to the respondents by all modes including electronic on the appellant taking requisite steps within one week from today, returnable



before the Joint Registrar on 19.12.2023. The notice shall also be served to counsel representing the respondents before the Trial Court.

4. List before this Court on 14.02.2024.

CM APPL. _____ (to be numbered)

5. The application for interim relief is misconceived as of now.

6. Mr Pruthi, learned counsel for the appellant seeks to withdraw the application with liberty to file a fresh on the same cause of action. With that liberty, the application is dismissed as withdrawn.

JASMEET SINGH, J

NOVEMBER 1, 2023

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Click here to check corrigendum, if any