

\$~5 and 6 (Appellate)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 357/2022 & CM No. 18903/2022, CM No.18904/2022
M/S SRI SHYAM INCORPORATION & ANR.Petitioners
Through: Mr. Parth Kaushik, Adv.

versus

M/S SHREE BALAJI INDUSTRIES Respondent
Through:

+ CM(M) 365/2022 & CM No. 19238/2022, CM No. 19239/2022
M/S SRI SHYAM INCORPORATION & ANR.Petitioners
Through: Mr. Parth Kaushik, Adv.

versus

M/S BANSAL SHOE FACTORY Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT(ORAL)

% **18.05.2022**

1. Among other things, these petitions attribute obstinacy to the Court which has passed the order under challenge. Para 1 of these petitions reads thus:

“1. That the petitioners by way of the instant petition seeks to challenge the impugned order dated 16.03.2022, passed by Ms. Barkha Gupta, Ld. District Judge (Commercial Court), North Rohini District Courts, Delhi (hereinafter referred to as the “Ld. Trial Court”) in CS(Comm) No. 11/2019 titled as M/S Shree Balaji Industries Vs. M/S Sri Shyam Incorporation & Anr., wherein the Ld. Trial Court, obstinately, struck off the

defense of the petitioners herein. Certified Copy of the impugned order dated 16.03.2022, is annexed hereto and marked as **ANNEXURE-P1.**”

2. Temperance and dignity in language is of absolute essence in pleadings filed in judicial proceedings. It is not permissible for any litigant, especially in a petition filed through Counsel, to attribute qualities such as obstinacy to a judicial forum. Courts do not pass orders based on personal predilections, but to conform to the correct position in law as they perceive it to be.

3. On a query from the Court, as to why such an expression was used, learned Counsel for the petitioner expresses contrition and submits that it might have been by oversight. He seeks permission to withdraw these petitions with liberty to file appropriate petitions, which are more appropriately worded.

4. Accordingly, these petitions are dismissed as withdrawn with liberty as sought. Miscellaneous applications are disposed of.

C.HARI SHANKAR, J

MAY 18, 2022

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