

CS (COMM) 281/26

MAHAVIR PRASAD JAIN AND SONS Vs. MOHAN LAL
MAHESH CHAND MAHESHWARI

23.07.2026

Present: Sh. Himanshu Chaudhary (through VC) and Sh. Jatin,
proxy counsel for plaintiff.

Sh. S.K. Tanwar, Counsel for defendant no. 1 (through
VC) and Sh. Rajat Bhati, Counsel.

None for defendant no. 2.

Summons issued to the defendant no. 2 through speed
post has been received back with the report of refusal. However, the
defendant no.2 was served with summons through courier on
20.05.2026.

Defendant no. 2 has not filed WS within the stipulated
period of 30 days from the date of service. Accordingly, **right of
the defendant no. 2 to file WS stands closed.**

Counsel for plaintiff has filed replication to the WS of
defendant no.1 along with affidavit of admission/denial of
documents filed by the defendant no.1.

At this stage, counsel for defendant no. 1 submits that
on the last date of hearing during the disposal of the application
bearing I.A. No. 9/2026 (i.e. application for condonation of delay in
filing WS), it has been wrongly mentioned that defendant no. 1
received the copy of plaint and documents on 16.03.2026 whereas
the copies of plaint and documents were received on 24.03.2026.
However, perusal of the record shows that in the order sheet dated
15.04.2026 counsel for the defendant submitted that he has received
the copy of plaint and documents on 16.03.2026. Counsel for

defendant no. 1 has submitted that he could not have received the copy on 16.03.2026 as the postal envelope was dispatched on 24.03.2026.

It is also pertinent to note here that Local Commissioner was appointed by this court vide order dated 10.03.2026 and Local Commissioner visited the premises of the defendant on 17.03.2026. In para 4 of the report, Ld. Local Commissioner has mentioned that person managing the defendant's premises refused to take service in compliance of Order 39 Rule 3 CPC of the complete set of paper books as well as the order of Local Commission passed by the court. Hence, from the report of the Ld. Local Commissioner, it is apparent that if not on 16.03.2026 the copies of paper books were tendered to the representative of the defendant at his premises on 17.03.2026 which were refused by him. Hence, there is deemed service of paper book on the defendant on 17.03.2026.

Accordingly, the order dated 21.05.2026 in I.A. No. 09/2026 stands correct to the extent that the copies were tendered to the defendant no. 1 on 17.03.2026 and the delay was not of 22 days but 21 days and the order dated 21.05.2026 in I.A. No. 09/2026 stands corrected and shall be read accordingly.

Pleadings in the suit are complete. From the pleadings of the parties, the following issues are framed:-

1. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?OPP

2. Whether the plaintiff is entitled for a decree of delivery up of the impugned goods?OPP
3. Whether the plaintiff is entitled for decree of rendition of account or in the alternative damages to the tune of Rs. 10 lakhs?OPP
4. Relief.

No other issue arises or is pressed for. The following schedule/time line is hereby fixed for speedy disposal of the case :-

Purpose	Date(s) fixed	Time Slot	Remarks, if any
Plaintiff's Evidence	24.08.2026 and 25.08.2026	10.30 am onwards	PE shall be concluded (on day-to-day basis, if required) by or before 25.08.2026
Defendant's Evidence	01.09.2026 and 02.09.2026	10.30 am onwards	DE shall be concluded (on day to day basis, if required) by or before 02.09.2026
Oral Arguments	16.09.2026	11.00 am	Maximum time 25 minutes each.

Parties are directed to file their list of witnesses within 10 days after exchanging the copies. Plaintiff shall file affidavit by way of evidence of all the witnesses within 2 weeks from today with advance copy to the counsel for the defendant. Defendant shall file evidence by way of affidavit of all the witnesses at least one week prior to the beginning of the defendant evidence. In case due to any reason the purpose of which matter is fixed is not concluded, the matter shall be taken up on the next working day. Any unjustified, non-compliance of the aforesaid directions and delay in the aforementioned time lines may lead to consequences for non-compliance as per Order XVA Rule 8 CPC pursuant to the schedule U/s 16 of the Commercial Courts Act, 2015.

This court expects and believes that parties and their counsels shall cooperate in disposal of the case by the end of September, 2026.

List on **24.08.2026** and **25.08.2026** for PE.

(ANIL KUMAR SISODIA)
District Judge (Commercial Court)-04
Central/Delhi/23.07.2026