

CS (COMM) 277/25

SAAVI ENTERPRISES Vs. WILBURG LIVING SOLUTIONS
PRIVATE LIMITED

Proceedings are being conducted in hybrid mode.

31.07.2026

Present: Mr. Anurag Ranjan with Ms. Seema, Counsels for plaintiff.
Mr. Keshav Pratap with Mr. Mudit Kumar, Counsels for
defendants.

1. On the last date of hearing, Mr. Neeraj Khanal, ld. Counsel for plaintiff relied on *Vishwabandhu Vs. Sri Krishna & Anr, (2021) 19 SCC 549* and case was listed for further arguments on the application of defendant no. 2 & 3 under Order 9 Rule 7 CPC. Fresh summons to defendant no. 1 were also issued.

2. Mr. Anurag Ranjan, ld. Counsel for plaintiff, brought it to the notice of the Court that defendant no. 1 has already been served as mentioned in the order dated 21.08.2025 and subsequently defendant no. 1 was proceeded ex-parte vide order dated 20.12.2025.

3. Mr. Keshav Pratap, ld. Counsel for defendants, submitted that in the last so many order sheets it has been mentioned that defendant no. 1 has yet not been served and if the Court concludes that defendant no. 1 has been duly served and proceeded ex-parte, then he may be permitted to file vakalatnama on behalf of defendant no. 1 alongwith necessary resolution.

4. This submission of ld. Counsel for defendants was vehemently opposed by ld. Counsel for plaintiff submitting that application has already been filed by all defendants under Order 9 Rule 7 CPC.

5. Even if it is accepted that application was filed on behalf of all defendants, the application cannot be considered on behalf of defendant no. 1 in the absence of proper vakalatnama executed by defendant no. 1.

6. Accordingly, Mr. Keshav Pratap, Id. Counsel for defendants, is permitted to place on record vakalatnama and board resolution, etc. on behalf of defendant no. 1. Copy of same be supplied to Id. Counsel for plaintiff.

List for further arguments on the application of all defendants under Order 9 Rule 7 CPC on **19.09.2026**.

(Sandeep Yadav)
District Judge (Commercial Court)-03
South/31.07.2026