

CS (COMM.) 535/21 & 536/21

M/S KOHLI ONE HOUSING AND DEVELOPMENT PVT LTD Vs. M/S SALUJA CONSTRUCTION COMPANY LTD

19.01.2023

**Present : Sh. Divyansh Singh and Ms. Himanshu Batheja,
Ld. Counsel for the plaintiff.
None for the defendant.**

Both these matters are taken up together.

Counsel for the plaintiff submitted that counsel for the defendant has informed them that due to other matters they could not appear before this court for today.

Ld. Counsel for the plaintiff has filed separate applications under Section 151 CPC in both the suits and submits that these are two cases filed by the plaintiff against the same defendant, bearing the suit no. CS (COMM) NO. 535/2021 and CS (COMM) NO. 536/2021. He further submits that in the CS (COMM) NO. 535/2021 he has filed an application for amendment under Order VI Rule 17 CPC, along with the same he has filed amended plaint and statement of truth, which was allowed by the Court vide order dated 10.12.2021. He further submits that in CS (COMM) NO. 536/2021 he has filed an application for amendment under Order VI Rule 17 CPC, along with the same he has filed statement of truth, the same was also allowed by the Court vide order dated 10.12.2021

He further submits that inadvertently the amended suit and amended statement of truth, which was to be filed in CS

(COMM) NO. 535/2021 has been filed in CS (COMM) NO. 536/2021, whereas the amended statement of truth which was to be filed in CS (COMM) NO. 536/2021 has been filed in CS (COMM) NO. 535/2021 and he submits that error in both the matters be rectified and documents be interchanged.

I have perused the file. The ahlmad is directed to take out the amended plaint and amended statement of truth from CS (COMM) NO. 536/2021 and be placed in the suit no. CS (COMM) NO. 535/2021 and also to take out the amended statement of truth from CS (COMM) NO. 535/2021 and be placed in the suit no. CS (COMM) NO. 536/2021.

Both the applications are disposed of.

It is submitted that pleadings in these cases are complete and now the matters are to be listed in the category of framing of issues.

Put up this matter for framing of issues on **10.04.2023.**

Anurag Sain
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
19.01.2023