

CS No.58911/16
Indiacast Distribution Private Limited Vs. The Indian
Hotels Company Limited

30.08.2024

Present : Mr. Aakash Tyagi, Ld. Counsel for the plaintiff.
Ms. Palak Sharma, Ld. Counsel for the defendant.

Ld. Counsel for the defendant seeks permission to withdraw the application under Order 22 Rule 3 r/w Section 151 CPC for dismissal of the suit.

Her statement to this effect is recorded separately.

Said application is dismissed as withdrawn.

The application of the plaintiff under Section 153 r/w Section 151 of CPC is taken up for consideration.

It is stated in the application that the plaintiff company has been amalgamated with Indiacast Media Distribution Private Limited on 23.03.2017. It is stated that now Indiacast Media Distribution Pvt. Ltd. has stepped into the shoes of the plaintiff company. It is prayed that Indiacast Media Distribution Pvt. Ltd. be substituted in place of the plaintiff company.

Reply to the application has been filed.

Application has been opposed.

It is stated in the reply that the application was filed only after repeated submissions were made before the Court about the plaintiff company not existing any longer. It is stated that steps should have been taken for substitution within 90 days from amalgamation.

It is submitted that the application is time barred.

Arguments have been heard and record has been perused.

Order 22 Rule 10 of CPC provides that in case of assignment, creation or devolution of interest during pendency of the suit, the suit may be continued by the person upon whom such interest has come or devolved.

In the case of International Tractors Ltd. Vs. Punjab Tractors Ltd. 2015 SCC Online Del 11899, the Hon'ble High Court of Delhi noted that there is no limitation period provided for filing of application under Order 22 Rule 10 of CPC.

In view of Order 22 Rule 10 of CPC and the above judgment of the Hon'ble High Court, the application of the plaintiff is allowed and Indiacast Media Distribution Pvt. Ltd. is substituted in place of the plaintiff company.

Ld. Counsel for the defendant submits that she is not opposing the application for substitution of authorized representative.

In view of the no objection given by Ld. Counsel for the defendant, the application of the plaintiff for substitution of authorized representative of the plaintiff company is allowed.

Mr. Aseem Swaroop is substituted as the new authorized representative of the plaintiff company.

The amended memo of parties dated 05.07.2022 is taken on record.

Part arguments on the application of the defendant under Order 7 Rule 10 of CPC are heard.

Ld. Counsel for the plaintiff requests for an adjournment for filing certain judgments.

To come up for further arguments on the application under Order 7 Rule 10 of CPC on 21.02.2025.

(Shirish Aggarwal)
District Judge-03
Patiala House Courts, New Delhi
30.08.2024