

22 Counter Claim 6/22

M/S MEGH MEDITECH PVT. LTD. Vs. KRISHNA LOGISTICS

**24.03.2022**

**Present : Sh.J.K. Tiwari, Ld. Counsel for the counter-claimant.**

**Sh.Manoj Tomar, Ld. Counsel for the non-counter-claimant along with non-counter-claimant in person.**

There is a suit and counter-claim in this matter. In terms of order dated 03.02.2021, suit and the counter claim has been separated. Separate counter-claim has been separately registered.

The court fee already affixed along with the counter-claim be separated and fixed on the file of counter-claim.

**New Filings in the counter-claim:**

1. Written statement/reply to counter-claim along with statement of truth, list of documents/documents, vakalatnama etc. was filed by non-counter-claimant in hard copies on 21.03.2022. Receipt of copy confirmed by ld. Counsel for counter-claimant.
2. Affidavit of admission and denial of documents was filed by non-counter-claimant in hard copies on 21.03.2022. Receipt of copy confirmed by ld. Counsel for counter-claimant.

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Application under order VII Rule 11 CPC was filed by the plaintiff/non-counter-claimant before separation of suit and counter-claim. Let the separate application be filed in hard copy within two days, which be placed on the file of counter-claim. It is stated that its advance copy has already been given to counsel for counter-claimant. Reply may be filed atleast 5 days prior to the next date by counter-claimant. Advance copy be given.

Let matter be fixed with connected suit for following steps:

1. for reply and arguments on application under Order VII rule 11 CPC.
2. For filing of replication along with affidavit of admission and denial of documents.
3. Subject to disposal of application under Order VII Rule 11 CPC and if so required, matter will be taken up for for framing of issues; for case management hearing; for exploring the possibilities of settlement by way of mediation or otherwise; parties to appear/join proceedings in person for case management hearing; settlement and their statements under Order X CPC .

Put up for 09.05.2022.

At this stage ld. Counsels for both the parties submitted that matter may be referred to mediation centre.

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After hearing ld. Counsels for parties, in my opinion, there is an element of settlement in the case, therefore as requested matter is referred to mediation centre for 28.03.2022 at 2.00pm. Both the parties/counsels are directed to submit their e-mail addresses and mobile phone numbers to the reader of this court. Reader of this court is directed to fill up form B of referral order accordingly and to forward the same to the mediation centre along with copy of this order. The referral order be sent to the Mediation Centre by way of E-mail or other permissible modes. Parties to contact mediation centre accordingly.

Put up for mediation report on or before 09.05.2022. In case mediation fails, matter will be taken up for the purpose fixed for progress of trial. It is made clear that due to mediation process time-lines/limitation periods provided under the law or directions given by court will not be effected in any manner.

**SANJEEV JAIN**  
**District Judge (Commercial Court)-01**  
**Patiala House Court, New Delhi.**  
**24.03.2022**

Note: e-mail id of court is **readerdjcomm01@gmail.com**.