

CS (COMM.) No. 532/2020
ARVIND MEDICARE PRIVATE LIMITED VS. DR. NEERU MEHRA

05.02.2021

Present: Sh. Paresh Jain, AR of the Plaintiff with Sh. Biswajit Das, Ms. Anamika Sharma and Sh. Sandeep Bhalla, Ld. Counsel.
Defendant with Sh. P. Piyush, Ld. Counsel.
Heard. Perused.

Affidavits of admission and denial of documents were filed by the parties. Admission and denial of documents conducted and exhibits of documents marked at the affidavits of admission and denial of documents.

After hearing the Counsel for the parties following issues are framed:

ISSUES

1. **Whether plaintiff is entitled for the relief of permanent/perpetual injunction against the Defendant as claimed that “Defendant shall not do any private practice anywhere except in her residence-Clinic in Gurugram and will not undertake any employment-full time or part time and not be engaged in any trade or business till 31.03.2022 as per Clause 9” or “Defendant shall not practice at any Facility/Clinic/Hospital within a radius of 5 KM of the Plaintiff's facility for a period of one year from the date of termination of Service Contract as per Clause 10 (b)” as prayed in prayer a in the amended plaint ? OPP.**
2. **Whether plaintiff is entitled for sum of Rs. 61,75,000/- against the defendant towards Clause 10 (a) of service contract *inter se* parties and other consequential business loss/damages, operational and financial loss, opportunity cost, reputation and goodwill cost and litigation cost; as claimed? OPP.**
3. **Whether plaintiff is entitled for any interest from the defendant? If so, at what rate and for which period? OPP.**

4. **Whether this Court has no territorial jurisdiction as claimed by defendant ? OPD.**
5. **Whether the service contract the *inter se* parties, in full or in part, is void as per Section 27 of the Indian Contract Act, 1872? OPD.**
6. **Relief.**

No other issue is pressed for.

Case management hearing done.

Heard. This Court finds that there are elements of settlement, therefore, the matter is referred to Ld. Judge In-charge, Mediation Center, Patiala House Court, New Delhi and parties are directed to appear before the Mediation Center, Patiala House Court, New Delhi on **11.02.2021 at 03.00 PM**. Parties/ARs/Counsel of both the parties having authority to decide, shall remain present in the Mediation Center, Patiala House Courts, New Delhi.

Following schedule/time line is hereby fixed for speedy disposal of the case:-

Purpose	Date(s) fixed	Time Slot	Remark, if any
Mediation proceedings	11.02.2021	03.00 PM	
Supplying of advance copy of affidavits of PWs and list by the plaintiff to defendant.	10.03.2021	By 04.00 PM	
Plaintiff Evidence	12.04.2021	10.30 AM onwards	PE shall be concluded (on day to day basis, if required) by or before 17.04.2021.
Supplying of advance copy of list of DWs and affidavits of DWs by the Defendant to Plaintiff.	06.05.2021		
Defendant's Evidence	24.05.2021	10.30 am onwards	DE shall be concluded (on day to day basis, if required) by or before 29.05.2021.
Filing of written arguments alongwith citations, if any.	11.06.2021	By 03.00 pm	Written submissions should be brief, date-wise, not more than 5 pages (Font size 11 and space 1) and

			counsels shall exchange written submissions three days before the date fixed for advancing oral arguments. If desired, copy of relevant evidence may be attached after highlighting it.
Oral Arguments	07.07.2021	11.30 AM	Maximum time 35 minutes each.

It is made clear that parties shall supply/serve advance copies of affidavits in evidence of all the witnesses which they want to examine at least one week prior to examination of their witnesses to the opposite party(s). 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.

List on **12.04.2021** for report of mediator/settlement, alternatively for plaintiff evidence.

Copy of this order be sent to Ld. Judge Incharge, Mediation Center, Patiala House Courts, New Delhi.

This order be uploaded on the website of the Delhi District Courts.

GURVINDER PAL SINGH
District Judge (Commercial Court)-02
Patiala House Court, New Delhi.
05.02.2021_(vivek)