

CS (COMM) 390/26
SMT USHA JAYNA ANR Vs. FITJEE LIMITED

15.07.2026

Present: Sh. Ishan Sanghi, Ms. Poorwashi Kalra and Sh. Rishab Rawat Ld. Counsels for plaintiff.

Fresh suit has been received. It be checked and registered.

Along with suit, plaintiff has filed an application under Order 39 Rule 1 & 2 r/w Section 151 CPC (IA-1).

Plaintiff has also filed an application u/s 12 A CPC seeking exemption from filing pre-institution mediation. I have perused the application. The plaintiff has filed an application for exparte interim relief u/O XXXIX rule 1 & 2 CPC, accordingly, **application seeking exemption from filing pre-litigation u/s 12 A of Commercial Courts Act (IA-2) is allowed and stands disposed of.**

It is stated that suit was initially filed in the South East District wherefrom it was returned for want of territorial jurisdiction. Plaintiff is owner of the property wherein the defendant was in possession of property in terms of lease and is not paying rent for a long time.

It is stated that defendant was restrained from creating third party rights in the property by Ms. Vrinda Kumari, Ld. District Judge (CC-03), South East District, Saket Court vide order dated 09.06.2025 and this order was in the knowledge of defendant. **It is stated that copy of order shall be filed shortly.**

Since the plaintiff is clearly the owner of property as per documents on record, **defendant or any one on its behalf is restrained from creating third party interest in any manner or**

transferring or parting with possession of or encumbering in any manner.

Summons for settlement of issues be sent to the defendant by all the prescribed modes i.e. ordinary process, speed post, registered AD, approved courier and permissible electronic modes, returnable for **06.08.2026**

The process fee for issuance of summons be filed within 7 working days.

The summons shall indicate that written statement must be filed within 30 days from the date of receipt of summons. It may also be clarified in the summons that under no circumstances more than 120 days shall be provided for filing written statement. The defendant shall also file statement of truth and affidavit of admission/denial of documents filed by the plaintiff in terms of Order XI rule 4 CPC as amended by schedule of Commercial Courts Act. The plaintiff may file replication to the written statement within 15 days of receiving a copy thereof.

An unjustified denial of documents or delay in timeline may lead to imposition of costs against the party concerned.

Parties or their representatives shall appear in person on the next date of hearing.

Put up on **06.08.2026**.

(Anuradha Shukla)
District Judge
(Commercial Court-02)
South Distt., Saket, New Delhi/15.07.2026