

07.09.2021

Proceedings conducted through physical hearing.

Present : Ld. Counsel Ms. Barkha Sharma for the plaintiff.

This is a suit for recovery received by way of assignment. It be checked and registered.

An application under sec.12A of the Commercial Courts Act 2015 has been moved by the plaintiff through counsel praying for exemption from complying with the provisions of Sec.12A of the Commercial Courts Act 2015.

Heard.

Perused the record.

It is stated that plaintiff is seeking an urgent interim relief under order 40 rule 1 CPC. As per the Commercial courts Act, 2015 if any urgent relief is prayed by the plaintiff at the time of filing of the suit, it is not mandatory for the plaintiff to go for pre-institution remedy of mediation. In view of the urgent interim relief, there is no legal requirement of availing the remedy of pre litigation mediation.

In view of the submissions made by Ld. Counsel for the plaintiff and averments made in the application which is duly supported by affidavit, application under section 12A of the Commercial Courts Act stands allowed and the requirement of pre- institution mediation is dispensed with.

Arguments addressed on application u/o 40 rule 1 CPC.

Put up for orders on application u/o 40 rule 1 CPC today at 4 PM.

In the meantime summons of the suit be issued to the defendant by PF/RC, speed post, whatsapp and through approved courier.

Put up for 08.12.2021.

rt

(NISHA SAXENA)
District Judge (Commercial Court)-04
Central/Delhi/07.09.2021

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At 4 PM.

Present : None.

Vide a separate order application u/o 40 rule 1 stands
allowed.

Put up for the date fixed i.e. 08.12.2021

rt

(NISHA SAXENA)
District Judge (Commercial Court)-04
Central/Delhi/07.09.2021