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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 568/2016**

M/S SUNAIR HOTELS LTD. Plaintiff

Through: Mr. Hemant Gupta,
Advocate appeared
physically (M:
9891265248) (email:
hemant.legal@gmail.com)

versus

M/S METROPOLITAN HOTEL Defendant

Through: Mr. Vikas Aggarwal and
Mr. Anshu Mahajan,
Advocates appeared
physically

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **06.12.2022**

Matter is taken up through physical hearing as well as video conferencing.

IA No. 9152/2019 (application filed by defendant u/O 1 Rule 10 CPC r/w Section 151 CPC)

Both the parties have stated that the present application was allowed by the Hon'ble Court vide orders dated 03.02.2020 and 04.02.2020 and applicant Sh. Vivek Jain was impleaded as defendant no.3 to the suit and no purpose would be served by keeping this application pending.

Heard. The relevant orders of the Hon'ble Court perused.

IA stands disposed off. **Registry is directed not to show this application again in the Cause List.**



CS(COMM) 568/2016

File noting reveals that replication filed by the plaintiff to written statement of defendant no.3 has been returned under objections.

Learned counsel for the plaintiff has stated that he has removed the objections yesterday and the replication alongwith one document filed by the plaintiff will be come on record in due course.

Learned counsel for defendants has stated that this suit was dismissed vide order dated 04.09. 2017 and it was restored vide order of the Hon'ble Court dated 17.07.2018 in RFA(OS) (COMM) 25/2017 and defendant no. 2 was impleaded after amendment of the suit as per the order of the Hon'ble Court dated 17.07.2018 and defendant no.3 was added vide orders of the Hon'ble Court dated 03.02.2020 and 04.02.2020 on application of defendants i.e. IA No. 9152/2019 under Order 1 Rule 10 CPC and though admission/denial had been done on the documents, prior to the dismissal of the suit and evidence of plaintiff had also been recorded prior to the dismissal of the suit, however, after restoration of the suit, fresh written statement has been filed by defendants in the year 2020 and as per the amended rules of the Hon'ble High Court, affidavit of admission/denial is required to be filed and Joint Documents Schedule is also required to be filed.

At request, affidavit of admission/denial may be filed by defendants within four weeks, as last opportunity.



Plaintiff is directed to file Joint Documents Schedule within four weeks. Hard copies of documents, if any filed online during COVID-19 Period, be filed with the Registry.

Put up for admission/denial and marking of exhibits on 7th March, 2023.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 6, 2022
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