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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 73/2023

AJIT CHAUDHARY

..... Plaintiff

Through: None.

versus

RUBEL FLORIST PVT. LTD. & ANR. Defendants

Through: Mr. Bharat Arora, Adv. for D-1

None for D-2

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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15.01.2024

CS(OS) 73/2023

Pleadings in the suit qua defendant no.1 are already complete and the right of the defendant no.2 to file Written Statement has already been ordered to be forfeited.

Since the date before the Hon'ble Court is short, the matter may be placed before the Hon'ble Court on date already fixed i.e. 24.01.2024, for further directions.

I.A. No. 1946/2023 (for interim injunction) moved by the plaintiff

Rejoinder filed by plaintiff is on record.

It is stated by learned counsel for defendant no.1 that he has received copy of rejoinder but has not received the previous cost of Rs.4000/- from the plaintiff till date. None is present on behalf of the plaintiff today to explain in this regard. On the last date of hearing i.e. 14.12.2023, learned counsel for the plaintiff undertook to supply copy of rejoinder and pay the cost within a week. In the interest of justice, no adverse order is being passed today and the plaintiff is directed to pay the said previous cost of Rs.4000/- to the defendant no.1 within one week, failing which the plaintiff will pay further cost of Rs.1000/- to the defendant no.1.



Since the date before the Hon'ble Court is short, place the captioned IA before the Hon'ble Court on date already fixed i.e. 24.01.2024, for further directions.

Counter Claim No.18/2023 filed by the defendant no.1

On the last date of hearing, learned counsel for the Counter Claimant/defendant no.1 has objected to Written Statement filed by the plaintiff to his counter claim on the ground that the same is filed beyond the stipulated time. However, as per office note, no application seeking condonation of delay in filing Written Statement by the plaintiff has been filed. At this stage, it is pointed out by learned counsel for the Counter Claimant/defendant no.1 that he has received one application filed by the plaintiff seeking condonation of delay in filing Written Statement to the Counter Claim but the same is not on record. None is present on behalf of the plaintiff today to explain in this regard. So, the plaintiff is directed to take requisite steps to being said condonation of delay application on record within two weeks and to supply fresh copy of said application to the Counter Claimant. Thereafter, the Counter Claimant is at liberty to file reply to said condonation of delay application within two weeks with copy to the plaintiff, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

It is stated by learned counsel for the Counter Claimant/defendant no.1 that he has filed Affidavit of Service dated 17.10.2023 confirming that defendant no.2 has been served through email. He also submits that



learned counsel for the defendant no.2 had appeared before this court on 19.10.2023 and previously also appeared before the Hon'ble Court on 11.09.2023. However, no Written Statement to the Counter Claim has been filed by the defendant no.2 till date. None is present on behalf of the defendant no.2 today to explain in this regard. Needless to say, Written Statement, if any, filed by the defendant no.2 to the Counter Claim shall be made part of the record as per law.

Since the date before the Hon'ble Court is short, the matter may be placed before the Hon'ble Court on date already fixed i.e. 24.01.2024, for further directions.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 15, 2024/ab
Click here to check corrigendum, if any