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

+ **CS(COMM) 363/2018 & I.A. 12284/2015, I.A. 18716/2015
MAHLE FILTER SYSTEMS INDIA PRIVATE LIMITED**

..... Plaintiff

Through: Mr. Peeyoosh Kalra, Ms. V. Mohini
and Ms. Pragati Agrawal, Advocates.

versus

MOBIS INDIA LIMITED & ANR Defendants

Through: Mr. Devesh Ratan, Advocate with
Ms. Janani, AR.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.01.2024**

**I.A. 14871/2023(u/O XXXIX Rules 1 and 2 of CPC r/w Section 151 of CPC
on behalf of Plaintiff)**

1. Issue notice. Mr. Devesh Ratan, counsel for Defendants, accepts notice.
2. Reply to the application, if any, be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.
3. Re-notify on 07th March, 2024.

I.A. 18011/2023(u/S 151 of CPC on behalf of Plaintiff)

4. Mr. Peeyosh Kalra, counsel for Plaintiff, states that pursuant to this Court's order dated 21st February, 2023, an amended plaint had been filed. However, in the written statement to the amended plaint, Defendants have taken new defences and made new arguments which go beyond addressing



the amendments made to the plaint. This, Mr. Kalra argues, is impermissible in law. Accordingly, by way of the instant application, Plaintiff prays that this Court strike off the amended written statement from the record and direct Defendants to file a fresh written statement, limiting their averments to the amendments introduced in the plaint, as permissible under law.

5. Mr. Devesh Ratan, counsel for Defendants, seeks and is granted further three weeks' time to reply to the application. Rejoinder thereto, if any, be filed within one week thereafter.

6. Re-notify on 07th March, 2024.

CS(COMM) 363/2018

7. Mr. Devesh Ratan, counsel for Defendants, requests for an adjournment on the ground of ill-health of arguing counsel viz. Mr. Manish Biala, Advocate. The request is not opposed by counsel for Plaintiff.

8. At request, re-notify on 07th March, 2024.

SANJEEV NARULA, J

JANUARY 12, 2024

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