$~3

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

\+ CS(COMM) 363/2018 with I.A.12284/2015, I.A. 18716/2015, I.A. 14871/2023, I.A. 18011/2023 and I.A. 34539/2024

MAHLE FILTER SYSTEMS INDIA PRIVATE LIMITED .....Plaintiff

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

versus

MOBIS INDIA LIMITED & ANR .....Defendants

Through: Mr. Manish Biala, Advocate

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 23.10.2024

I.A. 18011/2023 (filed on behalf of the plaintiff seeking taking off the record the Amended written statement filed on behalf of the defendant on 11.07.2023 and direct them to file a fresh amended written statement)

I.A. 34539/2024 (filed on behalf of the defendants seeking permission to amend the original written statement and take on record amended written statement dated 11.07.2023)

1. I.A. 18011/2023 has been filed on behalf of the plaintiff seeking a direction that the amended written statement filed on behalf of the defendant on 11th July, 2023, be taken off record as the same is beyond the scope of the amended written statement which was permitted to be filed in response to the amended plaint.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/10/2024 at 14:25:37

2. I.A. 34539/2024 is an application filed on behalf of the defendants under Order VI Rule 17 to take the amended written statement filed on 11th July, 2023 on record. This application has been filed subsequent to I.A. 18011/2023 filed on behalf of the plaintiff.

3. Notices in these applications have been issued and no replies have been filed thereto.

4. I have heard the counsel for the parties. It is not in dispute that I.A. 34539/2024 has been filed belatedly on behalf of the defendants only after I.A. 18011/2023 has been filed on behalf of the plaintiff. However, it is to be noted that the suit is still at an initial stage and issues are yet to be framed in the suit.

5. Considering the totality of the facts and circumstances of the case, I.A. 34539/2024, is allowed and the amended written statement filed on behalf of the defendant on 11th July, 2023 is taken on record,

6. In view of the aforesaid, I.A. 18011/2023 has become infructuous and is disposed of as such.

I.A.12284/2015 ***(Order XXXIX Rule 1 and 2, CPC)***

I.A. 18716/2015 ***(Order XXXIX Rule 1 and 2, CPC)***

7. Mr. Peeyoosh Kalra, appearing on behalf of the plaintiff, does not press these applications in view of a fresh application under Order XXXIX Rule 1 and 2 being I.A. 14871/2023 having been filed on behalf of the plaintiff.

8. Accordingly, the applications are dismissed as not pressed.

I.A. 14871/2023 ***(Order XXXIX Rule 1 and 2, CPC)***

9. Reply be filed within four weeks.

10. Rejoinder thereto, if any be filed within two weeks thereafter.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/10/2024 at 14:25:37

11. List on 20th February, 2025.

CS(COMM) 363/2018

12. In view of the amended written statement of the defendants being taken on record, liberty is given to the plaintiff to file replication thereto within thirty days.

13. List before the Joint Registrar on 12th December, 2024 for completion of pleadings and marking of exhibits.

14. List before Court on 20th February, 2025.

AMIT BANSAL, J

OCTOBER 23, 2024
ds

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/10/2024 at 14:25:37