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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 191/2025 I.A. 5716/2025 I.A. 5717/2025 I.A. 5718/2025**
AQUALITE INDUSTRIES PRIVATE LIMITEDPlaintiff
Through: Mr. Anshul Sharma, Advocate
(through VC)
versus
COMPASS INDIA FOOD SERVICES PRIVATE LIMITED & ORS.
.....Defendant
Through: Mr. Naehiketa Goyal, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
04.03.2025

1. Counsel for respondent raises a preliminary issue regarding the lack of disclosure and suppression by plaintiff. He states that in para 14 of the plaint, plaintiff have mentioned in **CM(M) 2357/2024**, however, the same was withdrawn without liberty being granted.
2. Additionally, defendant's counsel has handed up in Court order sheets of **CM (M) 4140/2024** which matters are apparently still pending.
3. Also **CS(OS) 132/2024** was filed, which was dismissed as withdrawn by order dated 19th February 2024 on the ground of suppression, with liberty granted.
4. Therefore, a fresh suit was filed before this Court as **CS(OS) 15/2025**. The Court raised an issue about the commercial nature of the matter; the said suit was also withdrawn and then this instant suit has been filed.



5. Aside from the fact that these aspects have not been mentioned completely in the plaint, additionally, counsel for defendant also states that previous suit has already been filed by defendants being **CS(COMM) 850/2023** which is pending before the District Courts, where the defendant has sought recovery of Rs. 1.04 crores.
6. Plaintiffs, according to defendant, ought to have raised the issue in the same suit since it concerns the same transaction between the parties.
7. Counsel for plaintiff shall respond to the objections raised by counsel for defendants on the next date of hearing.
8. List on 01st April 2025.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 4, 2025/RK

Click here to check corrigendum, if any