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

+ **CS(COMM) 217/2022 & I.As. 5348/2022 & 14421/2022**

**SH. KAPIL GUPTA**

.....Plaintiff

Through: Mr. Shashwat Misra, Proxy counsel

versus

**SH. MUKESH GUPTA & ORS.**

.....Defendants

Through: Mr. Vidit Gupta, Ms. Harleen Singh  
and Mr. Harherrat Singh, Advocates  
D-2

Mr. Gaurav Mitra and Mr. Dhananjai  
Jain, Advocates for D-3 to D-5

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **25.07.2024**

**I.A. 5350/2022 (for exemption)**

1. This is an application filed by the plaintiff under Section 12-A of the Commercial Acts, 2015 seeking exemption from pre-litigation mediation.
2. Learned counsel for defendant nos. 3 to 5 states that the said defendants do not even admit to any privity of contract with the plaintiff and therefore, they have no objection, if this application is allowed.
3. Learned counsel for defendant no. 2 as well adopts the submissions of the learned counsel for defendant nos. 3 and 5.
4. In the opinion of this Court considering that this matter has been pending since 2022 and the defendants have taken a stand with respect to the lack of privity of contract, the prayer in the application for exemption can be allowed without prejudice to the rights and contentions of the parties on the



merits of the claim in the suit.

5. Accordingly, the prayer in the application for exemption is hereby allowed.

**I.A. 8369/2022, I.A. 10518/2022, I.A. 14420/2022 and I.A. 14422/2022**

6. These are applications filed by separate defendants under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC).

7. List for disposal on 24.10.2024.

**MANMEET PRITAM SINGH ARORA, J**

**JULY 25, 2024/rhc/sk**