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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 254/2020; IA No. 5585/2020; IA No. 4148/2021 & IA
No. 4149/2021

M/S ROMESH INDUSTRIES

.....Plaintiff

Through: Ms.KanchanSemwal, Adv. (Mob. No.
9650279943).

versus

R.K. KHULLAR AND CO.& ORS.

.....Defendant

Through: Mr. Atul Ahuja, Adv. for D-1 & 3
(email: atulahuja.adv@gmail.com and
Mob. No. 9999000954) (through VC)
*Defendants were proceeded ex-parte
vide order dated 19.03.2021.*

CORAM:
**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR
GARG (DHJS)**

% **ORDER**
05.09.2022

**I.A.No.4148/2021 [under Chapter VII Rule 3 of the Delhi High
Court (Original Side) Rules, 2018 r/w Order VIII Rule 10 CPC
filed on behalf of the plaintiff]**

**I.A.No.4149/2021 (under Section 151 CPC filed on behalf of the
plaintiff for condonation of delay in re-filing IA No.4148/2021);**

1. Ld. Counsel for both parties pointed out that vide order dated 14.07.2021, IA No.4148/2021 i.e. application for condonation of delay in re-filing IA No.4149/2021 was disposed off and the matter



was adjourned for filing reply and rejoinder to IA No.4149/2021 i.e. application under Chapter VII Rule 3 of the Delhi High Court (Original Side) Rules, 2018 r/w Order VIII Rule 10 CPC, however, due to some inadvertently mistake in the order dated 14.07.2021, IA no. of both the applications were wrongly mentioned. Further, due to inadvertent mistake, both the applications were stated to be filed on behalf of the defendants, but in fact both the applications have been filed on behalf of the plaintiff.

2. In the present facts, it is clarified that application filed by plaintiff bearing IA No.4148/2021 has been disposed off vide order dated 14.07.2021 and IA no.4149/2021 is still pending for consideration. Registry to take note of the same and do the needful.
3. Ld. Counsel for defendants no.1 and 3 submits that they have filed reply to IA no.4149/2021 vide diary no.714106/2022, but the same are under objection. He further states that he will take appropriate steps in this regard.
4. The plaintiff may file rejoinder with respect to IA no.4149/2021 with advance copy to opposite party.
5. Re-notify IA no.4149/2021 for completion of pleadings and further proceedings on **19th December, 2022.**

I.A.No.5585/2020 (under Order XXXIX Rule 1 & 2 CPC)

1. Reply has already been filed by the defendant no.1 & 3.

CS(COMM) 254/2020

1. Ld. Counsel for defendants no.1 and 3 submits that affidavit of admission/denial of documents was filed on behalf of defendants



- no.1 to 3 vide diary no.694960 dated 21.04.2022, however, the same was returned under objection. He further submits that he will take appropriate steps in this regard.
2. Office noting further reflects that affidavit of service filed on behalf of defendants no.1 and 3 vide diary no.694598 dated 21.04.2022.
 3. Written statement has already been filed by the defendant no.1 & 3.
 4. Learned counsel for the defendant no.1 & 3 had submitted that an appropriate application for setting aside the ex-parte order shall be moved. However, no such application has been moved on behalf of the said defendants.
 5. It is submitted that the defendant no.2 was no more when the present suit was filed against him.
 6. Re-notify the matter for further proceedings on **19th December, 2022.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 5, 2022/v

[Click here to check corrigendum, if any](#)