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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. Kanchan Semwal, Adv.

versus

R.K. KHULLAR AND CO. & ORS.

.....Defendant

Through: Mr. Atul Ahuja, Adv. for D-1 & 3.

*(Defendants were proceeded ex-
parte vide order dated 19.03.2021)*

CORAM:

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

ORDER

19.12.2022

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**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. It is submitted that vide order dated 14.07.2021, IA No. 4149/2021, which is application under Section 151 CPC for condonation of delay in-refiling IA No.4148/2021, moved on behalf of the plaintiff, was disposed off and delay in filing IA No.4148/2021 was condoned. It is further submitted that IA No.4148/2021 i.e. application under Chapter VII Rule 3 of the Delhi High Court (Original Side) Rules, 2018 r/w Order VIII Rule 10 CPC filed by the plaintiff, is still pending for consideration.



2. It appears that there was some typographical mistake in mentioning number of IAs in order dated 14.07.2021 as well as order dated 05.09.2022. It is hereby clarified that IA No.4149 has been disposed off vide order dated 14.07.2021 and IA No.4148 is pending for consideration and the same is being taken up today. Registry to take note of the same. The order dated 14.07.2021 and 05.09.2022 be read accordingly.
3. As per office noting, nothing fresh has been filed.
4. Let reply to IA No.4148/2021 be filed by defendants no.1 and 3 within four weeks with advance copy to the opposite party, who may file rejoinder within two weeks thereafter.
5. Re-notify the captioned IA for completion of pleadings and further proceedings on **26th April, 2023.**

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

1. Reply has already been filed by the defendant no.1 & 3.
2. No rejoinder qua the captioned IA filed on behalf of the plaintiff.
3. Re-notify the captioned IA for further proceedings on **26th April, 2023.**

CS(COMM) 254/2020

1. As per office noting, nothing fresh has been filed.
2. Written statement has already been filed by the defendant no.1 & 3. Application for condonation of delay in filing written statement is pending for consideration.
3. Affidavit of admission/denial of documents filed on behalf of defendants no.1 to 3 vide diary no.694960 dated 21.04.2022 has yet not come on record. Let appropriate steps be taken as per law.



4. Ld. Counsel for 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 present matter for further proceedings on **26th April, 2023.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 19, 2022/v

Click here to check corrigendum, if any