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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 310/2024

ROARK CAPITAL MANAGEMENT LLC

.....Plaintiff

Through: Mr. Sourabh Rath, Ms. Gauri
Pasricha, Advocates

versus

**HAN LIN XIE (REGISTRANT OF ROARKS. IN) &
ORS.**

.....Defendant

Through: Mr. Kshitij Arora (VC),
Advocate for D-2 alongwith D-2

Mr. Mrinal Ojha, Mr. Debarshi
Dutta, Mr. Rishabh Agarwal,
Advocates for D-3.

Ms. Nidhi Raman, CGSC with
Mr. Zubin Singh, Advocate for
Advocate for D-5 & 6.

Ms. Amee Rana, Mr. Tejpal
Singh Rathore, (VC), Advocates
for D-7

D-8 is John Doe

Mr. Mohit Singh, Ms. Shivika
Mattoo, Ms. Ritika Bansal,
Ms. Swati, Advocates for D-9.

Ms. Jyotsna Bhuchar, Advocate
for UOI.

CORAM:

JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER

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19.11.2024

I.A. No. 8449/2024 (u/order XXXIX Rule 1 & 2 CPC).

1. Reply has only been filed on behalf of defendant no. 7 i.e.
Meta Platform. No reply has been filed on behalf of any of the



other defendants.

2. Ld. Counsel for defendants no. 5 & 6 submits that no reply is to be filed.

3. Ld. Counsel for defendant no. 2 submits that reply shall be filed as per rules. Defendant no. 1 is also permitted to file reply as per rules. Right of defendant no. 3 to file a reply stands closed. Since defendant no. 4 has not entered appearance, its right to file written statement has been closed and consequently, right to file reply on behalf of defendant no. 4 also stands closed.

4. Ld. Counsel for defendant no. 9 submits that if required reply shall be filed as per rules.

I.A. No. 8450/2024

5. Ld. Counsel for the plaintiff submits that the present IA has become infructuous. Same is disposed off accordingly.

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6. Defendants no. 1 & 2 have been served with summons on 15.10.2024 through email. Additionally, defendant no. 2 has been served on 10.10.2024 through speed post. Ld. Counsel for defendant no. 2 submits that written statement shall be filed as per rules. There is no appearance on behalf of defendant no. 1.

7. Pleadings qua defendant no. 3 stand complete.

8. Defendant no. 4 has been served on 29.05.2024 but has till date neither entered appearance nor filed any written statement. The maximum permissible period to file the same has also expired. Right to file the written statement for defendant no. 4 thus stands closed.

9. Defendants no. 5 & 6 collectively is basically UOI and has complied with the directions of the Hon'ble Court.



10. Ld. Counsel for the plaintiff submits that replication to the written statement of defendant no. 7 shall be filed as per rules.

11. Defendant no. 9 i.e *whatsapp* LLC was impleaded on 01.10.2024 by the Hon'ble Court. Appearance has been put in on behalf of defendant no. 9. Ld. Counsel submits that written statement, if any, shall be filed as per rules.

12. Registry is directed not to list IA No. 40091/2024 again in the cause list as the same stands disposed off.

13. Ld. Counsel for the plaintiff has highlighted an error which has crept in the order dated 23.10.2024 in regard to IA no. 43108/2024 which was an application moved by the plaintiff for seeking condonation of delay in filing replication to written statement of defendant no. 3. Inadvertently in para 3 of the order, while disposing off above said IA, it has been recorded that 'notice in the IA has been accepted by ld. Counsel for the plaintiff' when infact it should have been ld. Counsel for defendant no. 3. It has been further recorded in the same order that ld. Counsel for the plaintiff has no objection to the present IA when it should have been 'ld. Counsel for defendant no. 3'. Further, it has been recorded in the same para that 'written statement of defendant no. 3 is taken on record and the replication be filed within the period permissible' when infact it should have simply been recorded that replication is taken on record. The errors stand rectified accordingly. Para 3 of order dated 23.10.2024 shall be read as above.

14. Put up for completion of pleadings on 04.02.2025.

Dr. AJAY GULATI
(DHJS),

JOINT REGISTRAR (JUDICIAL)

NOVEMBER 19, 2024/sk

Click here to check corrigendum, if any