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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 413/2024**
CAMPUS ACTIVEWEAR LIMITEDPlaintiff
Through: Mr. Ankit Parashar, Adv.
(Mob.8802310640)

versus

MR. RAHUL KUMARDefendant
Through: Mr. Ashutosh Jain, Adv.

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)

ORDER

% **24.01.2025**

IA No.44106/2024 under Section 151 of CPC moved by
the defendant seeking condonation of delay in filing
Written Statement; and
IA No.44105/2024 under Order XI Rule 5 of CPC
moved by the defendant

Reply to the captioned IAs has not been filed by the plaintiff till date. No plausible explanation is furnished for the same. So, cost of Rs.4000/- is imposed upon the plaintiff to be paid to the defendant and now, the last and final opportunity is granted to the plaintiff to file reply within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IAs for completion of pleadings/consideration on the next date of hearing.

CS(COMM) 413/2024

As per office note, Written Statement alongwith Affidavit of Admission/Denial of the documents and documents filed by the defendant are still lying under objections. So, learned counsel for the defendant is directed to take requisite steps to bring the same on record as per law. Needless to say, Written Statement filed by the defendant shall be made part of the record as per law.



Further, documents filed by the defendant are on record.

An application seeking condonation of delay in filing Written Statement filed by the defendant is pending consideration.

Re-notify the matter for further proceedings on the next date of hearing.

CC filed by the defendant

The notice has not yet been issued in the Counter Claim. At the outset, learned counsel for the plaintiff has objected to filing of Counter Claim on the ground that mandatory pre-institution mediation under Section 12A of the Commercial Courts Act has not been resorted to by the counter claimant/defendant.

Learned counsel for the counter claimant/defendant seeks sometime to address arguments on this issue. In the meantime, the parties are directed to file the relevant case laws in support of their submissions with copies to be exchanged.

Re-notify the matter for consideration of counter claim on 21.04.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 24, 2025/ab

Click here to check corrigendum, if any