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

+ CS(COMM) 566/2022 & I.A.13009/2022, I.A.17518/2022,
I.A.22350/2022, I.A.1162/2023

GEMINI EDIBLES AND FATS INDIA LIMITED Plaintiff
Through: Ms. Sikha Sachdeva and
Ms.Mugdha Palsule, Advs.

versus

LV BHAVANI SANKAR Defendant
Through: Ms.Rajeshwari H. and
Ms.Swapnil Gaur, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

% **ORDER**
06.02.2023

1. Learned Counsel for the parties submit that despite best efforts, the dispute between them could not be resolved amicably.

2. As such, the various applications which are pending would be required to be heard.

I.A.13009/2022 (under Order XXXIX Rules 1 & 2 of the CPC filed by plaintiff) & I.A.22350/2022 (under Order XXXIX Rule 4 of the CPC filed by defendant)

3. These are cross applications, IA 13009/2022 being filed by the plaintiff under Order XXXIX Rules 1 and 2 and IA 22350/2022 by the defendant under Order XXXIX Rule 4 of the CPC. Additionally, Ms. Rajeshwari, learned Counsel for the defendant submits that the written statement filed by her client by way of response to the plaint may also



be treated as the reply to IA 136857/2022. Resultantly, the replication filed to the said written statement would be treated as the plaintiff's response to IA 22350/2022.

4. List these applications for hearing and disposal on 27th March 2023.

I.A.17518/2022 (under Order VII Rule 11 of the CPC filed by defendant)

5. This is an application by the defendant under Order VII Rule 11 of the CPC. Reply thereto stands filed by the plaintiff. Ms. Rajeshwari submits that a rejoinder to the reply has been filed. It is not on record. She is directed to coordinate with the Registry and ensure that the reply is placed on record before the next date of hearing.

6. List for disposal on 27th March 2023.

I.A.1162/2023 (under Order XIII A of the CPC filed by defendant)

7. This is an application by the defendant under Order XIII A of the CPC as amended by the Commercial Courts Act.

8. Issue notice. Notice is accepted on behalf of the plaintiff by Ms. Sachdeva.

9. Reply, if any, be filed within three weeks with advance copy to learned Counsel for the applicant/defendant who may file rejoinder thereto within one week thereof.



10. List the application for hearing and disposal on 27th March 2023.

C. HARI SHANKAR, J

FEBRUARY 6, 2023/kr