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

+ CS(COMM) 561/2023, I.A. 2344/2024

MRS KANIKA GAUTAM Plaintiff

Through: Mr.Deepak Sharma, Mr.Sujeet Shukla
and Mr.Asheesh Sharma, advts.

versus

M/S FLASH CLOUD CONSULTING & ORS. Defendants

Through: Mr.Sandeep Sharma, Mr.Pankaj
Bhagat, Mr.Ritwik Prasad,
Mr.AmanDhyani,
Ms.KanchanSemwal and Ms.Perna
Raman, advts. for D-2.
Mr.Chandrashekhar A Chakalabbi
and Ms.Aishwarya N Hiremath,
Advts. for D-3/ICICI Bank.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **31.01.2024**

The hearing has been conducted through **hybrid** mode (physical and virtual hearing).

I.A. 2344/2024 (for modification/clarification of order dated 03.11.2023)

The present application has been moved on behalf of defendant No. 2 with the following prayer:

“a) modify/clarify its Order dated 03.11.2023 thereby permitting and granting liberty to either/both of the partners of the firm to undertake statutory compliances, meet the liability towards banks/financial institutions etc.”



Issue notice. Mr. Deepak Sharma, learned counsel has accepted notice on behalf of the plaintiff.

Both the learned counsels agree that the EMI of both vehicles nos.HR51BX9010 and HR51BY6304 shall be paid out of funds of the partnership firm. Learned counsels also agree that the GST compliance be also done out of the partnership firm's funds.

It is also agreed that if there had been any default in the payment of the EMI, it shall also be paid out of the funds of the partnership firm's and future EMIs, as and when they become due, shall also be paid out of the partnership's firm fund.

With these directions, the application stands disposed of.

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During the course of proceedings, learned counsel for the plaintiff has submitted that the plaintiff is in possession of car no.HR51BY6304. Learned counsel for the plaintiff, on instructions, also states that the plaintiff shall maintain the car and shall not create any third-party interest.

In respect of another car bearing no.HR51BX9010, the contention of the learned counsel for the plaintiff is that the same has been given by defendant no.2 to Mr. Rajiv Saxena.

Learned counsel for defendant no.2 has disputed this contention and has submitted that the plea made by the learned counsel for the plaintiff is contrary to the averments made in the written statement.

Learned Counsel appearing for defendant no.3 submits that they are proforma parties and seeks time to file a reply.

Let the reply be filed.

Put up for consideration and disposal of the remaining I.As.



27.03.2024.

DINESH KUMAR SHARMA, J

JANUARY 31, 2024
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