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

+ **CM(M) 2686/2024**

M/S PRABHAT DALL INDUSTRIES

..... Petitioner

Through: Mr. Anoop Prakash Awasthi, Ms.
Prapti Singh and Ms. Parthui Ahuja,
Advs.

versus

M/S RAJDHANI TRADING CO. AND ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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28.05.2024

CM APPL. 32354/2024, CM APPL. 32357/2024 (exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

**CM(M) 2686/2024, CM APPL. 32353/2024—stay, CM APPL.
32355/2024—Exp. From filing complete TCR, CM APPL. 32356/2024—**

Lengthy synopsis

3. The present petition under Article 227 of the Constitution of India has been filed to impugn the order dated 04.05.2024 passed by the learned District Judge, Commercial Court-03, Central District, Tis Hazari Court, Delhi, (hereinafter referred to as 'Trial Court'), in CS(COMM.) No.2633/2019 titled as "*M/s Rajdhani Trading Co. vs. M/s Prabhat Dall*



Industries & Anr.”, whereby the following applications moved on behalf of petitioner herein were dismissed :-

- i) Application under Section 151 Civil Procedure Code, 1908 for treating affidavit dated 12.01.2020 as a written statement.
 - ii) Application under Section 12A of the Commercial Courts Act for dismissal of the suit in the absence of mandatory pre-institution mediation.
4. On taking steps by the petitioner, issue notice to respondents through all permissible modes including via approved courier service, returnable on 26.09.2024.
5. The learned Trial Court to record the evidence and may hear the final arguments but may not pass the final judgment till the next date of hearing and the impugned order to the extent of payment of cost of Rs. 20,000/- is stayed till the next date of hearing.

SHALINDER KAUR, J.

MAY 28, 2024
SDS