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

+ **CS(COMM) 468/2019**

M/S FORTIS HOSPITALS LIMITED Plaintiff

Through: Ms. Vatsala Rai and Mr.
Saurabh Batra, Advs.

versus

M/S BEST HEALTHCARE PRIVATE LIMITED & ORS.

..... Defendants

Through: Ms. Devina Sehgal and
Mr. Mohd. Ashaab, Advs.
for D-1 to 3
Mr. Aditya Dewan, Adv.
for D-5 & 8 (through VC)
Mr. Sandeep Das, Mr.
Lakshay Khanna and Mr.
Tejaswi Mahajan, Advs.
for D-9
None for D-4, 6 & 7

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)**

ORDER

18.03.2024

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**IA No. 11768/2019 u/O XXXIX R.1 & 2 CPC seeking
ad interim ex parte injunction against alienation of
assets by the defendants filed by plaintiff**

1. Reply to the captioned IA has not been filed.

**IA No. 3463/2023 U/S 151 CPC seeking condonation of
delay in filing written statement filed by defendant no.6
& 7**

2. Reply of the plaintiff is on record. Rejoinder to reply
has not been filed. Opportunity to file rejoinder was closed
on 04.11.2020. Pleadings are complete qua the captioned



IA. None appears for defendant no.6 and 7 to address arguments today.

3. Renotify for arguments on the next date.

IA No. 357/2021 u/s 151 CPC seeking dismissal of suit qua the defendant being infructuous

4. Pleadings are complete. Learned counsels for parties submit that the captioned IA is listed before the Hon'ble Court on 03.04.2024.

IA No. 3764/2021 by applicant/defendant no.3 u/s 151 CPC seeking dismissal of suit

5. Reply of the plaintiff is on record. The right of defendant no.3 to file rejoinder was closed on 07.11.2023. Pleadings are complete.

IA No. 3765/2021 by applicant/defendant no.1 u/s 151 CPC seeking dismissal of suit

6. Reply of plaintiff is on record. Rejoinder has not been filed. On 11.05.2023, learned Predecessor observed that if the rejoinder is not filed on 11.05.2023, right of defendant no.1 to file rejoinder shall be considered as closed. In view of order dated 11.05.2023, the right to file rejoinder of defendant no.1 stands closed. Pleadings are complete qua the captioned IA.

IA No. 4077/2021 by defendant no.2 seeking dismissal of suit

7. Reply of the plaintiff is on record. The right to file rejoinder was closed on 07.11.2023. Pleadings are complete qua the captioned IA.

IA No. 426/2022 u/s 8 Arbitration and Conciliation Act seeking to refer the present suit to arbitration proceedings already commenced by the plaintiff vide its



letter dated 08.06.2018, IA No. 427/2022 application under section 8 Arbitration Act seeking to refer the present suit to arbitration proceedings already commenced by the plaintiff vide its letter dated 08.06.2018 and IA No. 428/2022 application u/s 8 Arbitration Act seeking to refer the present suit to arbitration proceedings

8. Reply of plaintiff is on record. Rejoinder is also on record. Pleadings are complete.

IA No. 3171/2022 u/O VII R.11 filed by defendant no.2, IA No. 3172/202 u/O VII R.11 filed by defendant no.3 and IA No. 3173/2022 u/O VII R.11 CPC filed by defendant no.1

9. Learned counsel for defendant nos. 1 to 3 submits that the parties were referred to mediation center vide order dated 25.02.2022 where the settlement talks failed and the captioned IAs have become infructuous. In view of the submission made, the captioned IAs are disposed off as infructuous.

IA No. 3469/2022 by applicant/defendant no.3 u/O VIII Rule 1 r/w section 151 CPC seeking condonation of delay in filing the written statement by defendant no.3, IA No. 3471/2022 by applicant/defendant no.1 u/O VIII Rule 1 r/w section 151 CPC seeking condonation of delay in filing the written statement by defendant no.1 & IA No. 3472/2022 by applicant/defendant no.2 u/O VIII Rule 1 r/w section 151 CPC seeking condonation of delay in filing the written statement by defendant no.2

10. Reply to the captioned IAs is on record. The



opportunity to file rejoinder was closed on 07.11.2023. Pleadings are complete.

11. Learned counsel for plaintiff submits that the captioned IAs be allowed subject to heavy cost. Heard. In view of submission made, the captioned IAs are allowed subject to cost of Rs. 2000/- to be paid by each defendant. Written statements of defendant no.1 to 3 are taken on record.

IA No. 9108/2023 by plaintiff under Chapter VII Rule 5 of the Delhi High Court (Original Side) Rules, 2018 r/w section 151 CPC seeking condonation of delay in filing of replication to written statement of defendant no.9

12. No reply to the captioned IA has been filed. Learned counsel for defendant no.9 submits that the captioned IA be allowed subject to cost. In view of the submission made, the captioned IA is allowed subject to cost of Rs. 2000/- to be paid by the plaintiff to defendant no.9. Replication to written statement of defendant no.9 is taken on record.

IA No. 4183/2024 u/O XIII R.2 CPC seeking summary judgment against defendant nos. 1 to 3

13. Heard. Issue notice. Learned counsel for defendant nos. 1 to 3 accepts notice. Reply be filed within four weeks. Rejoinder be filed within two weeks thereafter. List for completion of pleadings on the next date.

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14. Written statement of defendant nos. 1 to 3 has been taken on record today subject to payment of cost. Replication to written statement of defendant nos. 1 to 3 along with affidavit of admission/denial be filed in



accordance with the provisions of law.

15. Written statement has been filed by defendant no.5 to 9, however, an application for condonation of delay of defendant nos.6 & 7 is pending.

16. Learned counsel for plaintiff submits that defendant nos. 5 & 8 have not filed the written statement within the prescribed period and it is not accompanied with any application for condonation of delay. Replication to written statement of defendant no.9 has been taken on record today subject to cost.

17. Re-notify the matter for completion of pleadings/admission/denial of documents on 23.09.2024.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
MARCH 18, 2024/cd**

Click here to check corrigendum, if any