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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 468/2019

M/S FORTIS HOSPITALS LIMITED

.....Plaintiff

Through: Mr. Saurabh Batra, Adv.

versus

M/S BEST HEALTHCARE PRIVATE LIMITED & ORS.

.....Defendant

Through: Ms. Devina Sehgal with Mr. Mohd. Ashaab, Adv. for D-1 to 3 (through VC).

Mr. Aditya Dewan, Adv. for D-5 & 8 (through VC).

Mr. Sandeep Das, Ms. Anandini Rathore, Mr. Tejasvi Mahajan & Mr. Arijeet Bhattacharjee, Adv. for D-9.

None for D-4, 6 and 7.

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR GARG (DHJS)

ORDER

23.09.2024

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Proceedings are being conducted through hybrid mode.

Case file has been received from the court of Ms. Shuchi Laler, Ld. Joint Registrar (Judicial) by way of transfer in terms of office order dated 28.06.2024.

I.A. No.357/2021 (by D-9 for dismissal of suit qua D-9);

IA. No.3764/2021 (by D-3 for dismissal of suit qua D-3);

IA. No.3765/2021 (by D-1 for dismissal of suit qua D-3);

IA. No.4077/2021 (by D-2 for dismissal of suit qua D-3);

1. It is submitted that the captioned IAs are coming up for hearing before the Hon'ble Court on 21.11.2024.



I.A. No.426/2022 (moved by D-2 u/S 8 of Arbitration & Conciliation Act);

I.A. No.427/2022 (moved by D-1 u/S 8 of Arbitration & Conciliation Act) &

I.A. No.428/2022 (moved by D-3 u/S 8 of Arbitration & Conciliation Act);

2. Pleadings qua the captioned IAs are already complete.
3. Ld. Counsels for both parties have submitted that the captioned IAs may be placed before the Hon'ble Court where they would make their further submissions.
4. At joint request, let the captioned IAs be placed before Hon'ble Court for further directions on the date already fixed i.e. **21st November, 2024.**

I.A. No. 3463/2020 (by D-6 & 7 for condonation of delay of 7 days in filing WS)

5. Today the captioned IA is listed for arguments. There is no appearance on behalf of defendant nos. 6 and 7.
6. Re-notify the captioned IA for arguments on next date of hearing as last opportunity.

I.A. No. 4183/2024 (by plaintiff u/O XIII Rule 2 of CPC seeking summary judgment against D-1 to 3)

7. No reply to the captioned IA has been filed by defendants no.1 to 3. Time sought. Let the same be filed within four weeks as last opportunity and rejoinder thereto within three weeks thereafter.

I.A. No. 11768/2019 (by plaintiff for stay)

8. No reply to the captioned IA has been filed on behalf of defendants.

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9. Perusal of record shows that vide order dated 18.03.2024, written statements on behalf of defendants no.1 to 3 were



taken on record subject to payment of cost of Rs.2,000/- by each defendant to the plaintiff. Cost already stated to have been paid.

- 10.As per office noting, proof of payment of costs in terms of order dated 18.03.2024 has been filed on behalf of defendants no.1 to 3.
- 11.Office noting further shows that separate replications and affidavits of admission/denial of documents have been filed on behalf of plaintiff qua defendants no.1 to 3. However, written statement and documents stated to be filed on behalf of defendants no.1 to 3 have not come on record till date. Let appropriate steps be taken.
- 12.Office noting further reveals that documents with list of documents were filed on behalf of plaintiff alongwith replications qua defendants no.1 to 3 vide diary nos. 1167055/2024, 1167056/2024 and 1167075/2024. No affidavit of admission/denial of documents has been filed by defendants qua the said documents of plaintiff. Let affidavit of admission-denial qua those documents be filed within four weeks thereafter.
- 13.Perusal of record shows that written statement, affidavit of admission/denial of documents and documents with list of documents were already filed on behalf of the defendants no.5 and 8.
- 14.Ld. Counsel for plaintiff had submitted that the written statement filed by defendants no.5 and 8 has not been filed within the prescribed period.
- 15.No application for condonation of delay has been filed on behalf of defendants no.5 to 8 till date. Let appropriate steps be taken as per law.



16.Perusal of record further shows that written statement alongwith affidavit of admission/denial of documents and documents with list of documents was filed on behalf of defendants no.6 and 7. However, an application seeking condonation of delay in filing the written statement is pending for consideration.

17.Perusal of record further shows that written statement was already filed on behalf of defendant no.9. However, no affidavit of admission/denial was filed by defendant no.9. Ld. Counsels for defendant no. 9 submits that the same was filed vide Diary No.51513/2020 on 14.01.2024.
Let the report be called from the Registry.

18.Office noting reveals that replication to written statement of defendant no.9 alongwith affidavit of admission/denial of documents has been filed by the plaintiff. However, documents stated to be filed on behalf of defendant no.9 have also not come on record.

19.Perusal of order dated 18.03.2024 would show that the replication filed by plaintiff qua defendant no.9 was taken on record subject to cost of Rs.2,000/- to be paid by the plaintiff to defendant no.9. However, the said cost has not been paid by the plaintiff. Let the same be paid within one week.

20.Let the pleadings be completed as per law.

21.Re-notify the matter for completion of pleadings and further proceedings on **13th November, 2024.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 23, 2024/v

Click here to check corrigendum, if any