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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 468/2019

M/S FORTIS HOSPITALS LIMITEDPlaintiff

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

versus

M/S BEST HEALTHCARE PRIVATE LIMITED & ORS.

.....Defendants

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

Mr. Aditya Dewan, Adv. for D-5
& 8.

Mr. Sandeep Das & Mr. Arijeet
Bhattacharjee, Advs. for D-9.

Right of D-5 & 8 to file WS was
already closed vide order dated
13.11.2024.

CORAM:

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

ORDER

11.02.2025

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Regular stenographer is on leave today.

Proceedings are being conducted through hybrid mode.

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);

**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).**

1. It is submitted that the captioned IAs are coming up for



hearing before the Hon'ble Court on 18.03.2025

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

2. Today the captioned IA is listed for arguments.
3. Perusal of the file would show that there is no appearance on behalf of defendant nos. 6 and 7 for last many opportunities. In the interest of justice, issue court notice without PF to the said defendants through counsel, returnable on the next date of hearing.

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

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

4. Right of defendants no.1 to 3 to file reply to the captioned IAs was already closed.
5. At request, let the captioned IAs be placed before the Hon'ble Court for further direction on the date already fixed i.e. 18th March, 2025.

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6. Report has been received from Registry that written statement filed on behalf of defendants no.1 to 3 vide diary no.1190821/2021, 1190832/2021 & 1190840/2021 have not come on record as same have not been re-filed till date. Let appropriate steps be taken as per law for getting the same placed on record.
7. Perusal of record shows that separate replications and affidavits of admission/denial of documents were already filed on behalf of plaintiff qua defendants no.1 to 3.
8. No affidavit of admission/denial of documents has been filed by defendants qua the documents of plaintiff, which were filed vide diary nos. 1167055/2024, 1167056/2024 and 1167075/2024, despite giving last opportunity.



Learned counsel for Defendant Nos. 1 – 3 has submitted that affidavit of admission denial has been filed on behalf of defendant No. 2. However, the same is not on record. Let appropriate steps be taken.

9. 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.
10. Perusal of record further shows that written statement was already filed on behalf of defendant no.9.
11. Hard copy of affidavit of admission/denial as well as documents were already filed on behalf of the defendant no.9. As per office noting, soft copies of the same were already filed on behalf of the defendant no.9 and the same have been placed on record.
12. Perusal of record also indicates that replication to written statement of defendant no.9 and affidavit of admission/denial of documents were already filed by the plaintiff. Ld. Counsel for defendant no.9 has submitted that the plaintiff has paid cost of Rs.2,000/- to the defendant no.9 in terms of order dated 18.3.2024.
13. Let the pleadings be completed as per law.
14. Re-notify the matter for completion of pleadings and further proceedings on **15th May, 2025.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 11, 2025/ng
Click here to check corrigendum, if any