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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 721/2022**
SHREE KRISHNA PAPER MILLS AND INDUSTRIES LTD

..... Plaintiff

Through: Mr.Virender Goswani, Mr.Soni
Singh, Mr.Abhinav Bhalla &
Ms.Parkhi Singh, Advs.

versus

GAJANANPAPER MILLS PRIVATE LIMITED & ANR.

..... Defendants

Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

17.10.2022

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I.A. 16928/2022

1. Though, in my opinion, the plaintiff should have served the defendants with an advance copy of the notice, as the suit is being registered and only a limited order of protection is being granted to the plaintiff, the application is allowed.

I.A. 16929/2022

2. This application has been filed by the plaintiff seeking exemption from instituting pre-litigation mediation under Section 12-A of the Commercial Courts Act, 2015.

3. Having perused the contents of the application, the same is allowed.

CS(COMM) 721/2022

4. Let the plaint be registered as a suit.

5. Issue summons to the defendants, to be served through all permitted



modes, including electronically, returnable on 16th December, 2022.

6. The summons to the defendants shall indicate that the written statement(s) to the Plaintiff shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file the affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

7. Liberty is given to the plaintiff to file the replication within a period of 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the plaintiff, the affidavit(s) of admission/denial of documents of the defendants be filed by the plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

I.A. 16926/2022

8. Issue Notice.

9. On the plaintiff taking steps, let notice be served on the defendants through all permissible modes, including electronically, returnable on 16th December, 2022.

10. Let reply(ies) to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

11. As it is the own case of the plaintiff that the defendants have been manufacturing the subject paper since at least 02.09.2019, at the present stage, it is not felt appropriate to grant an *ex-parte ad interim* injunction in favour the plaintiff. The same shall be considered on the defendants entering



appearance in the suit. However, the defendants shall, along with their written statement(s), disclose on affidavit, the inventory of the the subject paper with the defendants as also the sales made thereof.

I.A. 16927/2022

12. The learned counsel for the plaintiff prays for leave to withdraw the present application with a liberty to file a fresh one, in case, a need so arises in future.

13. The application is dismissed as withdrawn, with liberty as prayed for.

14. *Dasti.*

NAVIN CHAWLA, J

OCTOBER 17, 2022/rv