



\$~28

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

+ **CS(COMM) 556/2024 & I.A. 32763-32767/2024**

MR. DEEPENDRA CHAND BHANDARIPlaintiff

Through: Mr. Ayush Sharma, Mr. Ashish
Sharma, Advocates

versus

MR. RAJ PARIKHDefendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.07.2024**

I.A. 32764/2024 (for exemption)

1. Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
2. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
3. The application stands disposed of.

CS(COMM) 556/2024

4. Let the plaint be registered as a suit.
5. Summons be issued to the defendant by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks. The summons will be issued after the plaintiff has filed the affidavit and additional documents in terms of the direction issued in I.A. No. 32765/2024.
6. The summons to the defendant shall indicate that the written



statements must be filed within 30 days from the date of receipt of the summons. Along with the written statement, the defendant shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

7. The plaintiff is at liberty to file replications thereto within 15 days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendant, failing which the replications shall not be taken on record.

8. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

9. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

10. List before the learned Joint Registrar (Judicial) for completion of service and pleadings, marking of exhibits and admission/denial of documents on 05.08.2024.

11. List before the Court on 13.11.2024.

I.A. 32763/2024

12. Learned counsel for the plaintiff states that at this stage he is not pressing for for *ad-interim* orders at the *ex parte* stage and the application be taken up for consideration after the defendant has filed their reply.

I.A. 32765/2024

13. Learned counsel for the plaintiff states that he has placed on record at Document no. 25, the bank statement of the plaintiff's account held in Karnataka's Bank.

14. He states that ledger entries in this bank statement shows that the plaintiff has been regularly receiving payments from M/s Arihant



Aluminium. He illustratively refers to entry dated 03.01.2023 He states that the amounts received from M/s Arihant Aluminium have been duly disclosed in the income tax returns filed by the plaintiff as his salary.

15. He states that he will file an affidavit within three weeks enclosing his income tax returns along with the ledger statement reflecting the amounts paid over and received by plaintiff from M/s Arihant Aluminium from the year 2007 to 2023 as reflected in his bank accounts; and will state on affidavit the nature of these income(s) and payment(s).

16. He states that there is no written partnership or written agreement between the parties with respect to M/s Arihant Aluminium, however, the plaintiff had provided the initial capital investment for M/s Arihant Aluminium and had continue to provide capital and skill over a period of time and is, therefore, entitled to equitable distribution in the assets of this firm.

17. He states that in addition to a ledger with respect to the period of 2007-2023, he will also file a separate ledger of the payments made/received prior to 2007 duly corroborated by bank statements and income tax returns.

18. He states that he will file an affidavit within three weeks enclosing his income tax returns along with the ledger statements and bank statement of the amounts paid over and received from M/s Arihant Aluminium from 2007 to 2023 as reflected in his bank accounts and will state on affidavit the nature of these incomes and payments.

19. The affidavit along with documents will also be served on the defendants to enable them to respond to the same comprehensively in the written statement.



20. It is made clear that summons in the suit will be issued by the registry after filing of this affidavit.

21. The application stands disposed of.

I.A. 32767/2024

22. This is an application to take on record the Court fee filed by the plaintiff initially along with case registered as CS(OS) 93/2024. It is stated in the application that the said suit was returned granting liberty to the plaintiff to file the said suit as a commercial suit along with Court fee payable. He prays that the Court fee annexed with CS(OS) 93/2024 be taken on record in the present proceedings. In view of the order dated 06.02.2024, the application is allowed and the registry is directed to take necessary steps in this regard.

I.A. 32766/2024

23. Learned counsel for the plaintiff states that he is not pressing for *ad interim* orders at the *ex parte* stage and these applications will be taken up after the defendant has filed their reply.

24. List on 05.08.2024 before the Joint Registrar (J).

25. List before the Court on 13.11.2024.

MANMEET PRITAM SINGH ARORA, J

JULY 10, 2024/msh/ms