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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 558/2024 & I.A. 32786/2024, I.A. 35525/2024, I.A. 38889/2024, I.A. 41850/2024, I.A. 42800/2024, I.A. 42801/2024, I.A. 43776/2024

SPREAD HOME PRODUCTS PVT. LTD.Plaintiff

Through: Mr. Shubham Dayma, Advocate
(through VC)

versus

HOMESCAPES @ KESRI TRANSCONTINENTALDefendant

Through: Ms. Swapnil Gaur, Advocate
Mob: 9897905254

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
22.01.2025

I.A. 43776/2024 (for re-scheduling of the date)

1. In view of further proceedings in the present matter, the present application is dismissed, as infructuous.

I.A. 35525/2024 (seeking release of the seized goods)

2. The present is an application for release of the seized goods by the Local Commissioner during the raid on behalf of the defendant.

3. Learned counsel appearing for the defendant submits that the said activity has already been carried out.

4. Accordingly, the present application is dismissed, as infructuous.



I.A. 42800/2024 (seeking leave to deliver interrogatories) & I.A. 42801/2024 (seeking exemption from effecting advance service)

5. Learned counsel appearing for the plaintiff relies upon Rule 3 of Chapter VIII of Delhi High Court (Original Side) Rules, 2018, as well as judgment in the case of *Sharda Dhir Versus Ashok Kumar Makhija & Ors., (2002) 64 DRJ 713, (Para 10)*, to submit that this Court will first decide as to whether interrogatories have to be served upon the defendant.

6. He submits that only subsequently once the interrogatories are served upon the order passed by the Court, that the stage of filing of objection by the defendant shall come.

7. Learned counsel appearing for the plaintiff points out that notice in I.A. 3889/2024 has not been issued, wherein the plaintiff is seeking summary judgment.

8. Per contra, learned counsel appearing for the defendant submits that the present application does not even deserve notice, as damages is a matter of trial.

9. Let written submissions be filed by the defendant to the said application.

10. Accordingly, for hearing of plaintiff on his application, re-notify on 24th February, 2025.

MINI PUSHKARNA, J

JANUARY 22, 2025

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