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

+ **CS(COMM) 5/2022**

PERNOD RICARD INDIA PVT.LTD.Plaintiff

Through: Ms. Ruchika Agarwala,
Mr. Ankit Virman and Ms.
Malvikka Arya,, Advs.

versus

RAJ KUMAR & ANR.Defendants

Through: None for D-1
Mr. Deepak Jain, Ms.
Anoushka Singh, Ms.
Twinkle Gupta, Ms.
Dashampreet Kaur and
Mr. Sajal Gupta, Advs. for
D-2

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)**

ORDER

24.07.2024

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1. As per office note, affidavit of admission/denial filed by defendant no.2. The right of defendant nos. 1 & 2 to file written statements was closed on 14.10.2022 and 03.08.2023 respectively.

2. Learned counsel for defendant no.2 submits that though the right of defendant no.2 to file written statement was closed, affidavit of admission/denial qua the documents of plaintiff filed by defendant no.2 can be taken on record. In support of his contentions, learned counsel for defendant no.2 places reliance on the judgment titled as **“Khadi and Village Industries Commission Vs.**



Roopika Rustogi 2023 SCC Online Del 1301”.

3. Learned counsel for plaintiff, per contra submits that the affidavit of admission/denial filed by defendant no.2 on 26.12.2022 did not bear his signatures, consequently, the same cannot be read and taken on record. Moreover, the affidavit of admission/denial filed on 22.07.2024 is beyond the prescribed period of limitation and has been filed after a delay of 757 days from the date of service of summons and is not accompanied with any application for condonation of delay of these 727 days. He has placed reliance upon the judgment titled as “**Mayank Gupta Vs. Aditya Birla Fashion 2023 SCC Online Del 1485**”.

4. Part arguments heard.

5. Re-notify the matter for further arguments on 30.07.2024 at 2 pm.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)**

JULY 24, 2024/cd

[Click here to check corrigendum, if any](#)