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

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

PERNOD RICARD INDIA PVT.LTD. Plaintiff

Through: Mr. Ankit Virmani and
Mr. Shivang Puri,
Advocates appeared
physically

versus

RAJ KUMAR & ANR. Defendants

Through: Mr. Deepak Jain, Mr. K.B.
Pradeep, Mr. Tanpreet
Gulati, Ms. Anoushka
Singh and Ms. Twinkle
Gupta, Advocates for
Defendant no.2 appeared
physically (M:
9910505313)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA
SINGH, (DHJS)**

ORDER

% **12.01.2023**

*Matter is taken up through physical hearing as well as
video conferencing.*

**IA No. 113/2022 (application filed by the plaintiff u/O
XXXIX Rules 1 and 2 CPC and Order XXXVIII Rule 5 r/w
Section 151 CPC for ex-parte ad-interim reliefs)**

Reply filed by defendant no.2. Copy supplied.

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As per file noting, written statement has been filed by
defendant no.2 vide Dy. No. 2089947 dated 26.12.2022.
However, learned counsel for the plaintiff has stated that written
statement has not been signed by defendant no.2 and it has been
signed by learned counsel for defendant no.2 only and it has not
been sent through proper channel from the Jail Authority of
Ferozpur Jail, Punjab, where defendant no.2 is presently lodged.

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Learned counsel for the plaintiff has further objected that written statement should not be taken on record as it has been filed beyond the period of 120 days which is mandatory period in a commercial suit.

Learned counsel for defendant no.2 has stated that he has filed application for exemption in respect of signatures of defendant no.2 on written statement and he undertakes to move application for condonation of delay in filing written statement, on the ground of special circumstances of defendant no.2. Last opportunity is granted to defendant no.2 for taking appropriate steps in this regard.

Put up for further hearing on 15th March, 2023.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 12, 2023
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