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

+ **CS(OS) 720/2022 & I.A. 19251/2022**

M/S VATIKA LIMITED

..... Plaintiff

Through: Mr. Avijit Dikshit, Advocate.
[M:-9650481199, Enrol No.
D/801/2013]

versus

MR. RAVI LUTHRA & ORS.

..... Defendants

Through: Mr. Neeraj Grover, Advocate for
D-1 & 2. [M:-9810376869, Enrol
No. 2333/1999]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
04.05.2023

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1. It appears that, while passing orders on various applications on 22.11.2022, inadvertently summons were not issued in the suit.
2. The plaint be registered as a suit. Summons be issued to the defendant Nos. 1 and 2. At this stage, Mr. Avijit Dikshit, learned counsel for the plaintiff, does not seek issuance of summons on defendant No. 3. Mr. Neeraj Grover, learned counsel for the defendant Nos. 1 and 2 waives formal service of summons.
3. Written Statements must be filed by defendant Nos. 1 & 2 within thirty days. The defendant Nos. 1 and 2 shall also file affidavits of

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admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

4. The plaintiff is at liberty to file replications thereto within fifteen 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 defendants, failing which the replications shall not be taken on record.

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

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

7. Mr. Dikshit and Mr. Neeraj Grover, submit that they would like to make an effort to resolve their disputes in mediation. The plaintiff and defendant Nos. 1 and 2 are therefore referred to Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, Delhi-110503. The parties will appear before the learned mediator on 22.05.2023.

8. The learned mediator is requested to furnish a report to the Court prior to next date of hearing.

9. List before the Joint Registrar for marking of exhibits on 25.07.2023.

10. List before the Court on 13.09.2023.

I.A. 19249/2023(Application on behalf of the plaintiff under Order XXXIX Rule 1 and 2 of the CPC)

1. The statement of learned counsel for the defendant Nos. 1 and 2 was recorded in the order dated 22.11.2022 to the following effect:-



“27. Considering the documents shown to this Court and the submissions made by both the parties, it is considered appropriate that directions are issued to defendant nos. 1 and 2 not to circulate any messages in WhatsApp/social media, related to the project, which are unsubstantiated. At this stage, learned counsel for defendant nos. 1 and 2, on instructions, submits that defendant nos. 1 and 2 will exercise self restraint and shall not circulate any WhatsApp chats without substantiating and verifying the information as such. Defendant No. 1 further submits that all the information as contained in the WhatsApp chats are true and on the basis of verified and substantiated information. The said statements on behalf of the defendant nos. 1 and 2 are taken on record.”

2. Mr. Grover, instructed by defendant No. 1, who is also president of defendant No. 2 association and is present in person, states that the aforesaid order may be confirmed during the pendency of the suit.
3. The application is disposed of making the order dated 22.11.2022 absolute.

PRATEEK JALAN, J

MAY 4, 2023
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