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

+ **CS(COMM) 649/2024**

**M/S SHYAMSREE DEVELOPERS PRIVATE
LIMITED**

.....Plaintiff

Through: Mr Vipul Wadhwa and Ms Kashika
Gera, Advocates.

versus

**MIS REDECON (INDIA) PRIVATE LIMITED
& ANR.**

.....Defendants

Through: Mr Ankan Suri, Mr Tanish Nagpal, Mr
Anhay Rai Singh, Advocates for D-1
along with AR of the D-1 in person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
05.08.2024

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I.A. 35513/2024 (exemption)

1. Allowed, subject to all just exceptions.

**I.A. 35512/2024 (by the plaintiff under Section 51 CPC for exemption from
filing certified copies of documents)**

2. This is an application seeking exemption from filing original documents. Original documents shall be produced/filed, if sought, strictly as per the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act') and DHC (Original Side) Rules, 2018.

3. Allowed, subject to all just exceptions.

4. The application stands disposed of.



I.A. 35514/2024 (by the plaintiff under Section 151 CPC seeking exemption from institution for pre-litigation mediation under Section 12A of Commercial Courts, Commercial Division and Commercial Appellate Divisions of High Courts Act, 2015)

5. Learned counsel for the plaintiff submits that an exemption from pre-institution mediation is being sought because an urgent relief in the form of *ad-interim* restraint order that the defendant no.1 shall not create any third party rights on the terrace, has been sought.

6. Considering the submission of the learned counsel, as well as, regard being had to the averments made in the application, the same is allowed.

7. The application stands disposed of

CS(COMM) 649/2024

8. The plaint be registered as a suit.

9. Issue summons. Learned counsel, who appears on advance service, accepts summons on behalf of the defendant no.1. Let written statement be filed within a period of thirty days.

10. On filing of process fee, summons be issued to the defendant no.2 by all permissible modes.

11. The summons shall indicate that written statement be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

12. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statements. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.



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

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

15. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 18.10.2024.

16. List before Court on 11.11.2024.

I.A. 35511/2024 (by the plaintiff under Order XXXIX Rule 1 and 2 read with Section 151 CPC)

17. The present application has been filed by the plaintiff seeking *ex-parte* ad-interim relief.

18. Issue notice. Learned counsel, who appears on advance service, accepts notice on behalf of the defendant no.1.

19. On filing of process fee, notice be issued to the defendant no.2 by all permissible modes.

20. The dispute in the present case is with regard to title to the terrace of the building constructed on a plot of land bearing no.E-49, Okhla Industrial Area, Phase-II, New Delhi-110020.

21. Learned counsel for the defendant no.1, on instructions from the Director of defendant no.1, who is present in the Court, submits that without prejudice to his rights and contentions in another suit which has been filed by the plaintiff in the District Court, Saket, no third party rights will be created over the terrace of property in question, till the next date. The said statement is taken on record.

22. Defendants may file replies to the application within four weeks on



receipt of notice. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

23. List before the Joint Registrar for completion of service and pleadings on 18.10.2024.

24. List before Court on 11.11.2024.

VIKAS MAHAJAN, J

AUGUST 5, 2024
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