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

+ **CS(COMM) 716/2025 & I.A. 428/2026**

CELESTIAL KNITS AND FABS PVT. LTD.Plaintiff

Through: Mr. Siddhant Prakash Malik, Ms. Chhavi Jain, Mr. Rakshit Gupta, Mr. Satendra Kumar and Ms. Aruna Gupta, Advs. (Through VC)

versus

MS. PALLAVI TYAGI & ANR.Defendants

Through: Mr. Misbah Bin Tariq, Mr. Azhar Ali and Mr. Pradeep Routela, Advocates

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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09.01.2026

I.A. 428/2026

1. The present application has been filed under Order VII Rule 11, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking rejection of the plaint on behalf of the defendants.
2. Learned counsel appearing for the defendants submits that no privity of contract has been pleaded between the plaintiff and defendant no. 1. The alleged transactions were solely between the plaintiff and the proprietorship concerned, i.e., M/s. Shiva International of Late Sh. Atul Tyagi. Since, on his demise, the firm ceased to exist, thus, no liability survives against the present defendants.
3. It is further submitted that the present suit is barred by the limitation



as the plaint, itself, discloses that the last alleged transaction and acknowledgement occurred on 30th March, 2022. Thus, even assuming the said date, the present suit filed in May, 2025 is beyond the period of three (3) years. Furthermore, that all alleged supplies were made in Noida, U.P. and payments, if any, were transacted therefrom. Thus, it is submitted that no cause of action arose within the jurisdiction of Delhi.

4. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff.

5. Let reply be filed, within a period of four weeks from today.

6. Response, thereto, if any, be filed within a period of two weeks, thereafter.

7. Re-notify before the Joint Registrar, on the date already fixed, i.e., 27th January, 2026.

8. Re-notify before the Court, on the date already fixed, i.e., 29th January, 2026.

MINI PUSHKARNA, J

JANUARY 9, 2026/SK