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

+ **CS(COMM) 663/2024 I.A. 35792/2024**

AHV INVESTMENTS PRIVATE LIMITEDPlaintiff

Through: Mr. Ananya Mohan, Advocate
(through VC)

versus

M/S SWARN JAYANTI CONSTRUCTIONS PVT LTD & ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **03.02.2025**

I.A.35792/2024 (for exemption)

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance before the next date of hearing, whichever is earlier.
3. Accordingly, the present application is disposed of.

CS(COMM) 663/2024

1. It is noted that a verbal note has been received from the Delhi High Court Legal Service Committee that the pre-litigation mediation was held and the matter was ended as a 'non-starter'.
2. This suit seeks recovery of sum Rs. 10,78,63,441/- (*Rupees Ten Crores Seventy Eight Lakhs Sixty Three Thousand Four Hundred And Forty One Only*) along with *pendent lite* and future interest.
3. Plaintiff is a Non-Banking Finance Company engaged in business of



providing financial facilities and services. Defendant no.1 is a company engaged in the business of engineering and civil construction; defendant nos. 2 and 3 are its directors.

4. In 2018, defendant no.1 availed a loan from *Lord Fincap Limited*, and both defendant nos.2 & 3 participated in the entire discussions.

5. Plaintiff entered into a Debt Settlement Agreement dated 21st March 2023 with *Lord Fincap Limited*, and debts that were owned by it were transferred to the plaintiff.

6. In accordance with the Debt Settlement Agreement, plaintiff is entitled to recover the outstanding loan amount from the defendants, jointly and severally. Despite repeated efforts, defendants kept avoiding the plaintiff's legal demands to clear their dues. Legal notice was issued on 4th July 2024, despite that, there has been no compliance by the defendants.

7. Accordingly, the plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

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

9. The plaintiff is at liberty to file replications thereto within thirty 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.

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

11. Any party seeking inspection of documents may do so in accordance



with the Delhi High Court (Original Side) Rules, 2018.

12. List before the learned Joint Registrar for marking of exhibits on 18th March 2025.
13. List before the Court on 28th May 2025.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 3, 2025/sm/tk