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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 18/2024

TARA GUPTA & ORS.

.....Plaintiffs

Through: Mr. P:rayuj Sharma, Ms. Kavita
Vinayak, Mr. Harshwardhan
Thakur & Ms. Shivangi Nanda,
Advs.

versus

TATA SIA AIRLINES LTD.

.....Defendant

Through: Ms. Tine Abraham & Mr.
Pundrikaksh Mitruka, Mr. Abhi
Uday Singh Gaupam, Advs.

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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11.11.2024

**IA No.40363/2024 under Section 151 CPC moved by
the plaintiff seeking condonation of delay in filing
rejoinder to IA no.530/2024**

1. Learned counsel for the defendant accepts notice and submits that he has no objection to the captioned IA.
2. In view of above and in view of reasons mentioned in the application, the captioned IA stands allowed to the extent that the delay in filing rejoinder by the plaintiff to IA no.530/2024 is condoned and the same is taken on record. Accordingly, the captioned IA stands disposed of.

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3. As per record, Written Statement and documents filed by the defendant are already on record.
4. It is stated by learned counsel for the defendant that he has already filed fresh/proper Affidavit of Admission/Denial of the documents in terms of order dated 09.07.2024. The same is on record. At his oral request, the delay in filing fresh/proper Affidavit of Admission/Denial of the documents filed by the defendant



is condoned and the same is taken on record.

5. Replication alongwith Affidavit of Admission/Denial of the documents filed by the plaintiff is on record. However, on perusal of Affidavit of Admission/Denial of the documents filed by the plaintiff, it is found that the plaintiff has submitted bare denials in the Affidavit, which is not permissible as per provisions of Rule 4, sub rule (3) of Order XI of the Code, as applicable under the Commercial Courts Act. So, cost of Rs.800/- is imposed upon the plaintiff to be deposited with Delhi High Court Legal Services Committee and the plaintiff is directed to file fresh/proper Affidavit of Admission/Denial of the documents as per law within two weeks with copy to the opposite side. The plaintiff is directed to deposit the cost within two weeks and also file its proof of cost with the registry.

6. Thereafter, the plaintiff is directed to file soft copy as well as physical copy of Joint Schedule of the documents compatible with fresh Affidavit of Admission/Denial of the documents filed by the parties at least two weeks before the next date of hearing.

7. The parties are directed to file physical copy of the documents of which e-copy already filed on record, if not filed earlier, before the next date of hearing.

Re-notify the matter for completion of pleadings/markings of exhibits to the documents on 13.02.2025.

I.A. 529/2024 under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure 1908 moved by the plaintiffs seek ad-interim relief against the defendant

8. Reply to the captioned IA filed by the defendant and



rejoinder thereto filed by the plaintiff are on record. **Thus, pleadings are complete.**

At the joint request, place the captioned IA before the Hon'ble Court on 07.01.2025, for further directions.

I.A. 530/2024 13 under Order II Rule 2 read with Section 151 of the CPC moved by the plaintiffs

9. As per record, reply to the captioned IA filed by the defendant is already on record. The rejoinder to the same filed by the plaintiff is taken on record vide order of even date. **Thus, pleadings are complete.**

At the joint request, place the captioned IA before the Hon'ble Court on 07.01.2025, for further directions.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 11, 2024/ab

Click here to check corrigendum, if any