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

+ **CS(COMM) 795/2024**

MS NIKUNJ WOODS P. LTD.

.....Plaintiff

Through: **Mr. Anirudh Gupta, Advocate**

versus

M/S EVENTUALLY PRO LLP AND ORS.

.....Defendants

Through:

+ **CS(COMM) 797/2024**

**RUCHIKA AGARWAL PROPRIETOR M S SANGEETA
FURNITURE CONCEPTS THROUGH ITS POA MR GIRISH
AGARWAL**

.....Plaintiff

Through: **Mr. Anirudh Gupta, Advocate**

versus

MS EVENTUALLY PRO LLP AND ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 01.10.2024

I.A. 39532/2024 (Exemption) in CS(COMM) 795/2024

I.A. 39554/2024 (Exemption) in CS(COMM) 797/2024

Allowed, subject to all just exceptions.

CS(COMM) 795/2024

CS(COMM) 797/2024



1. CS (COMM) 795/2024 has been filed for recovery of Rs.2,86,30,292/-.
2. CS(COMM) 797/2024 has been filed for recovery of Rs.2,84,48,581/-.
3. The Defendants purchased material from the Plaintiffs of the invoice issued by the Plaintiff is dated 29.03.2019. The Plaintiff has filed his ledger accounts. The ledgers account indicates that the last payment received by the Defendant was on 11.01.2021 of a sum of Rs.2 lakhs and Rs.2.50 lakh in CS (COMM) 795/2024 & CS(COMM) 797/2024 respectively. This payment is also substantiated by the bank statements filed by the Plaintiff.
4. Learned Counsel for the Plaintiffs states that applying Section 19 of the Limitation Act read with Article 1 of the Limitation Act, a fresh period of limitation from the last of the payment received which is 11.01.2021 and three years' period would end on 11.01.2024. However, the Petitioner approached the authorities for pre-mediation litigation on 06.01.2024 and the said mediation was disposed of by a certificate of non-starter issued on 27.07.2024, on which date, five dates were still left for the Plaintiff to file a suit. The suit was eventually filed on 01.08.2024, therefore, the suit was filed on the very last date of expiry of the limitation.
5. Let the plaint(s) be registered as suit.
6. Issue summons.
7. Let the Defendants be served through all permissible modes, including *dasti*.
8. The summons to the Defendants shall indicate that the Written Statement(s) to the plaint shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the Written Statement(s),



the Defendants shall also file the affidavit(s) of admission/denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

9. Liberty is given to the Plaintiff to file the Replication within a period of 15 days of the receipt of the Written Statement(s). Along with the Replication, if any, filed by the Plaintiff, the affidavit(s) of admission/denial of documents of the Defendant(s) shall be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

10. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

11. List before the learned Joint Registrar on 22.01.2025.

SUBRAMONIUM PRASAD, J

OCTOBER 1, 2024

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