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

+ **CS(COMM) 883/2024**

VINIT DUA

.....Plaintiff

Through: Mr Danesh Relan, Mr Arindam Dey
and Mr Akhil Dehlan, Advocates.

versus

ALK ENTERPRISES & ANR.

.....Defendants

Through: Mr Nischal Anand, Mr Sirhaan Seth,
Mr Danish Abbasi, Ms Tanvi Jain, Mr
Akshay Jain and Mr Vaibhav Jairath,
Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **14.10.2024**

I.A. 41730/2024 (u/s 12A of Commercial Courts Act)

1. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

2. The application stands disposed of.

I.A. 41731/2024 (exemption from certified copies of documents, original documents, filing documents with proper margins, typed and translated copies of dim documents)

3. Allowed, subject to the plaintiff filing legible copies of the annexures within four weeks from today.

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4. The application stands disposed of.

I.A. 41732/2024 (O-XI R-1(4) of the Commercial Courts Act)

5. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.

6. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

7. Accordingly, the application is disposed of.

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8. Let the plaint be registered as a suit.

9. Issue summons.

10. Mr Nischal Anand, advocate appears on advance service and accepts summons on behalf of the defendants and waives issuance of formal summons.

11. The written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

12. Liberty is given to the plaintiff to file replication, if any, within thirty days from the receipt of the written statement(s). Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

13. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are



placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

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

15. List before the Joint Registrar on 10th December, 2024 for completion of service and pleadings.

16. List before the Court on 29th January, 2025.

I.A. 41729/2024 (under Order XXXIX Rule 1 and 2 of CPC)

17. Issue Notice.

18. Mr Nischal Anand, counsel appearing on behalf of the defendants accepts notice.

19. Reply be filed within four (4) weeks from today.

20. Rejoinder thereto, if any, be filed within three (3) weeks thereafter.

21. List before the Joint Registrar on 10th December, 2024 for completion of service and pleadings.

22. List before the Court on 29th January, 2025.

AMIT BANSAL, J

OCTOBER 14, 2024/rt