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

+ **CS(COMM) 947/2024 & I.A. 43368/2024**

**ATOS SOLUTIONS AND SYSTEMS
PRIVATE LIMITED**

.....Plaintiff

Through: Mr. Arpan Behl and Mr. Abhishek
Kumar Shrivastava, Advocates
(through VC)

versus

**VANTAGE INTEGRATED SECURITY SOLUTIONS PRIVATE
LIMITED & ANR.**

.....Defendants

Through: Mr. Vikas Kumar and Ms. Vidhanshi
Kamalia, Advocates (through VC) for
D-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **25.10.2024**

I.A. 43368/2024 (for exemption)

1. Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
2. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
3. The application stands disposed of.

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4. This is a Summary Suit filed under Order XXXVII of the Code of Civil Procedure, 1908 ('CPC') for recovery of payment of INR 8,44,45,153/- along with interest against defendant no. 1.



5. Learned counsel for defendant no. 2 appears on advance notice and states that there is admittedly no privity of contract between the plaintiff and defendant no. 2 and therefore, defendant no. 2 is not a necessary party. He states that no relief in the plaint has been sought against defendant no. 2 and therefore, defendant no. 2 be deleted from the array of parties

6. In response, learned counsel for the plaintiff states that defendant no. 2 was impleaded since defendant no. 2 is the beneficiary for the performance of the contract between the plaintiff and defendant no. 1. He states that he has no objection if defendant no. 2 is deleted from the array of parties while reserving his rights to summon defendant no. 2 to order to produce the records relied upon.

7. Learned counsel for defendant no. 2 has no objection to the aforesaid rights reserved by the plaintiff.

8. In view of the aforesaid submissions, defendant no. 2 is hereby deleted from the array of parties reserving the right to plaintiff to summon defendant no. 2, if necessary, during the proceedings in accordance with law. The plaintiff is directed to file an amended memo of parties within a period of one (1) week.

9. Let the plaint be registered as Summary Suit filed under Order XXXVII of CPC.

10. Upon filing of process fee and requisite steps being taken by the plaintiff, issue summons for appearance to sole defendant in prescribed format as provided under Order XXXVII Rule 2(2) of CPC.

11. Upon the sole defendant entering appearance within prescribed time, the plaintiff shall make steps for issuance of Summons for Judgement to the sole defendant as per the Rules.



12. List before the learned Joint Registrar (J) on **13.01.2025**.
13. List before Court on **01.04.2025**.

MANMEET PRITAM SINGH ARORA, J
OCTOBER 25, 2024/msh/ms

Click here to check corrigendum, if any