



\$~40

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

+ **CS(COMM) 1157/2024**

TEWATIA CONSTRUCTION PVT LTD

.....Plaintiff

Through: Mr. Navneet Dugar and Mr. Manoj
Kumar, Advocates

versus

MUNICIPAL CORPORATION OF DELHI

.....Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **19.12.2024**

I.A. 48948/2024 (Application for condonation of delay of '5' days in Re-filing the present suit)

1. This is an application under Section 5 of Limitation Act, 1963 seeking condonation of delay of '5' days in refiling the present commercial suit for recovery of Rs. 6,59,152,88/- along with interest.
2. For the reasons stated in the application, the application stands allowed.

I.A. 48947/2024 (Application for exemption under Section 151 of CPC)

3. Exemption is granted subject to all just exceptions.
4. The application is disposed of.

CS(COMM) 1157/2024

5. The present commercial suit is filed for recovery of Rs. 6,59,152,88/- along with interest. It is stated that the present suit for recovery arises from a contract which was awarded to the plaintiff for the construction of Multilevel Car Parking cum Commercial Complex Building at Krishna



Nagar in ward 229 Shahdara South Zone, Delhi.

6. Let the plaint be registered as a suit.
7. Summons be issued to the defendant through all permissible modes on filing of process fee. In addition, through the standing counsel for MCD. Affidavit of service be filed within two (2) weeks.
8. The summon shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The defendant shall also file affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.
9. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication 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 completion of service and pleadings, marking of exhibits and admission/denial of documents on **28.01.2025**.
13. List before the Court on **23.04.2025**.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 19, 2024/rhc/sk