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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 76/2025**
AARVEE DENIMS AND EXPORTS LTD.Plaintiff

Through: Mr. Rahul Malhotra and Mr. Chirag
Goyal, Advs.

versus

BERRY AND BERRY CO.Defendant
Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
29.01.2025

I.A. 2366/2025 (Exemption from filing original certified copies etc)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

CS(COMM) 76/2025

1. This suit has been filed seeking recovery of a sum of Rs. 2,39,70,166.84/- along with the interest against the defendant.
2. Plaintiff is engaged in the business of manufacturing and selling denim garments such as jeans, trousers, jackets, shirts, etc., and also manufactures and sells cotton garments and home textiles.
3. Defendant is the proprietorship firm of *Mr. Sushil Berry*, who has been known to the promoters of the plaintiff for more than one decade.
4. Plaintiff and defendant have had commercial transactions with each



other for quite some time. Defendant used to purchase goods from time to time, which were manufactured by the plaintiff for further sale, and used to make payments to that effect.

5. The ledger had been maintained by plaintiff regarding the transaction of the defendant. Payments were regular for some time; however, they later became meagre and negligible.

6. As on 24th May 2024, plaintiff claims that defendant is liable to pay the said amount along with interest.

7. In June, 2024, plaintiff called upon the defendant to repay the amount; however, the defendant failed to do so.

8. Pre-institution mediation was commenced and was closed as a '*non-starter*' on 01st October 2024.

9. Accordingly, the plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

10. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the date of receipt of summons. Along with the written statement, the Defendant shall also file affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record

11. Liberty is given to the Plaintiff to file replication within thirty days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiff, affidavit(s) of admission/denial of documents of the Defendant, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.



12. List before the Joint Registrar for marking of exhibits on 10th March 2025. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
13. List before Court on 27th May 2025, for framing of issues thereafter.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 29, 2025/RK/tk