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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1437/2025**

HAVANA CLUB HOLDING SA & ORS.Plaintiffs

Through: Mr. Hemant Singh, Ms. Mamta R. Jha,
Mr. Sambhav Jain, Ms. Reha Mohan,
Ms. Akanksha Majumdar, Mr. Sidhant
Oberoi & Ms. Sanya Srivastava,
Advocates.

Versus

**RATN TILAKRAJ BATRA TRADING AS
STAR SAPPHIRE**

.....Defendant

Through: Mr. Gaurav Chahal, Advocate.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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24.12.2025

I.A. Nos. 32978/2025, 32977/2025, 32976/2025 and 32975/2025

(Exemptions)

1. Exemptions are allowed, subject to all just exceptions.
2. The Applications stand disposed of.

I.A. No. 32973/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 ("CC Act").
4. As the present matter 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.
5. The Application stands disposed of.



I.A. No. 32974/2025 (Extension of time to file Court Fees)

6. The present Application has been filed by the Plaintiffs under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from payment of Court Fees at the time of the filing of the Suit.

7. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

8. The Application stands disposed of.

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9. Let the Plaint be registered as a Suit.

10. Issue Summons. The learned Counsel for the Defendant accepts Summons.

11. Let Written Statement shall be filed by the Defendant within 30 days from the date of the receipt of Summons. Along with the Written Statement, the Defendant shall also file an Affidavit of Admission / Denial of the documents of the Plaintiffs, without which the Written Statement shall not be taken on record.

12. Liberty is granted to the Plaintiffs to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the Plaintiffs, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiffs, without which the Replication shall not be taken on record.

13. In case any Party is placing reliance on a document, which is not in their power and possession, its details 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 prescribed timelines.

15. List before the learned Joint Registrar on 25.02.2026 for completion of service and pleadings.

IA No. 32972/2025 (O-XI R-1(4) of the CPC)

16. The present Application has been filed on behalf of the Plaintiffs under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

17. The Plaintiffs are permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

18. Accordingly, the Application stands disposed of.

IA No. 32971/2025 (U/O XXXIX Rules 1&2 of the CPC)

19. Issue Notice.

20. The learned Counsel for the Defendant accepts Notice.

21. Let Reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

22. List on 26.02.2026.

TEJAS KARIA, J

DECEMBER 24, 2025

‘gsr’