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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1001/2016**
SOUTH DELHI MUNICIPAL CORPORATION Plaintiff

Through Mr. Kartik Rathi, Advocate

versus

M/S TRIGEN ELECTRONIC PRIVATE LIMITED..... Defendant
Through Mr. Deepak Rikhari, Advocate
(Mobile No. 9810541666 E-mail ID:
deepakrikhari@yahoo.co.in)

CORAM:
SH. RAKESH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER
% **07.08.2018**

Memo of appearance filed on behalf of defendant.

Amended plaint has been filed in compliance of the previous directions, but no original documents filed on behalf of plaintiff, despite opportunity given.

Ld. counsel for defendant sought time to file written statement on the ground that he has not received the copy of amended plaint, which is counter opposed by ld. counsel for plaintiff stating that when the amended plaint was tendered to be served to previous counsel but previous counsel refused to take the same on the ground that same is to be served defendant directly. Accordingly, same has been sent through Speed Post and sought time to file tracking report and affidavit qua service of the amended plaint.



Since time has already been granted for filing written statement and moreover no request has been made on behalf of ld. previous counsel for defendant for discharge from the court as per Delhi High Court Rules. Hence, fresh time for filing written statement cannot be considered at this stage, however, defendant may file written statement within statutory period alongwith appropriate application for condonation of delay with advance copy to plaintiff and it is made clear that written statement shall be taken on record in accordance with the Provisions of The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015.

Plaintiff has also again sought time to place on record the original documents.

Heard. Request of plaintiff is allowed.

Let original documents on behalf of plaintiff be filed within a week from today with advance copy to defendants.

After receiving the written statement, liberty is also given to plaintiff to file replication alongwith affidavit of admission/denial of documents.

Put up for further proceedings on **12th September, 2018** before the concerned Ld. Joint Registrar (Judicial).

RAKESH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

AUGUST 07, 2018
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