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

+ **CS(OS) 3560/2014 & CC 72/2016**

RAKESH KUMAR SINGH

.....Plaintiff

Through: Ms. Abha Malhotra, Mr. Raaj Malhotra & Mr. Abhishek Kathuria, Advocates.

versus

GATI LTD

.....Defendant

Through: Mr. Shankar Kumar Jha, Advocate.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

05.12.2024

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I.A. 35873/2024 (for change of name of the applicant company)

1. The present application under Order XXIX read with Section 151 of the Code of Civil Procedure (hereafter 'CPC') has been filed on behalf of the defendant/ counter-claimant, seeking permission to place on record the certificate issued by Registrar of Companies (ROC), certifying the change of name of the applicant company from "*Gati Limited* to *Allcargo Gati Limited*", with effect from 19.10.2023.
2. Reply has not been filed.
3. Last opportunity is granted to the non-applicant/ plaintiff to file a reply, within three weeks from date, after providing advance copy to the other side.
4. List before this Court on 27.02.2024, for further proceedings.

I.A. 36203/2024 (for correction in order dated 29.05.2024)



5. The present application under Section 152 read with Section 151 of the CPC has been filed on behalf of the defendant/ counter-claimant, praying as follows:

“(i) the Order dated 29.05.2024 in Review Petition no. 223/2024 may kindly be corrected and, thereby, onus to prove may be fixed upon OPP”

6. The learned counsel appearing on behalf of the defendant/ counter-claimant states that the counter-claimant/ defendant may not be required to produce proof in affirmative in counter-claim, to establish that its counter claim does not have a cause of action. It is further submitted that the onus to prove issue no. 4(a) has to be discharged by the plaintiff. The learned counsel therefore prays that the typographical error, or an inadvertent mistake that has crept in the order dated 29.05.2024 in Review Petition No. 223/2024 be corrected, and the onus to prove be fixed upon plaintiff.

7. Considering the nature of this application, wherein it is prayed that a typographical error is to be corrected, which concerns the onus to prove, be shifted upon another party, it will not be appropriate for this Court to hear or pass an order on the present application, since the order was passed by HMJ Prathiba M. Singh, the learned Predecessor Bench, and it will be best suited if the captioned application is heard, and decided by the learned Predecessor Bench.

8. In view of the above, list the present application before the Bench of Justice Prathiba M. Singh, subject to and after obtaining necessary orders of Hon’ble the Acting Chief Justice, on 14.01.2025.

9. The learned counsel appearing on behalf of the plaintiff had earlier stated that she did not want to file a reply. However, she states that since the



matter is being adjourned, she would file a reply and seeks time to file the same. Let the same be filed before the next date of hearing, after providing advance copy to the other side.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

DECEMBER 5, 2024/at

Click here to check corrigendum, if any