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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1305/2016

EXSCHAIN LOGISTICS INDIA PVT LTD Plaintiff

Through Mr. Nischal Kr. Neeraj, Adv.

versus

SHREE HARI OVERSEAS PVT LTD Defendant

Through Mr. Vishal Bhardwaj, Adv.

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% 07.12.2018

IA No.12547/2018 u/S 151 CPC for not filing written statement within stipulated period; and

IA No.12548/2018 u/S 151 CPC for condonation of delay of 20 in re-filing of the application; both IAs moved by the plaintiff

Adjournment again sought on behalf of defendant for filing reply on the ground that AR is still in judicial custody. Strongly opposed. It is brought to my notice that the Jail Supt. can very well attest the affidavit of AR of the defendant and even reply can be got signed by the AR of the defendant in the jail premises itself. In the interest of justice, one last and final opportunity is granted to defendant for filing reply, if any, within four weeks with copy to opposite side, failing which cost of Rs.20,000/- shall be imposed upon the defendant to be paid to the plaintiff. Rejoinder, if any, be filed within one week thereafter.

Re-notify for completion of pleadings on next date of hearing.

IA No.10442/2017 u/O VI R 17 CPC moved by defendant for amendment in written statement

Rejoinder not filed by defendant.

Adjournment again sought on behalf of defendant for filing

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rejoinder on the ground that AR is still in judicial custody. Strongly opposed. In the interest of justice, one last and final opportunity is granted to defendant for filing rejoinder, if any, within two weeks with copy to opposite side. It is made cleared that in case rejoinder is not filed by the defendant within time then opportunity for filing the rejoinder shall automatically stands closed.

Re-notify for completion of pleadings on this IA on 25.01.2019.

SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 07, 2018/ab