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

+ CS(COMM) 1305/2016 & I.As. 10442/2017, 12547/2018
EXSCHAIN LOGISTICS INDIA PVT LTD Plaintiff
Through: Mr. Humraz Bir Singh, Advocate.

versus

SHREE HARI OVERSEAS PVT LTD Defendant
Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **28.11.2022**

1. By an order dated 17.08.2022, it was noted that the defendant has not been appearing in the suit since 07.12.2018. Notice was, therefore, issued to the defendant, as well as to Mr. Vishal Bhardwaj, Advocate, whose appearance is recorded on behalf of the defendant in the order dated 07.12.2018.
2. The Registry reports that service upon the defendant has returned unserved from both the addresses mentioned in the memo of parties as one address was found to be wrong and no such firm existed at the second address. With regard to service upon Mr. Vishal Bhardwaj, Advocate, the Registry reports that there is no *vakalatnama* filed by him on behalf of the defendant.
3. Summons have already been served in the suit and the defendant has entered appearance. A written statement has also been filed through Mr. Mukesh Sharma and Mr. Sumit Malhotra, learned counsel. The electronic copy of the written statement shows the address of the learned counsel [A-12, Naraina Vihar, New Delhi-28], enrolment number of one



counsel, and their telephone numbers. The defendant has also filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 [“CPC”] through Mr. Mukesh Sharma and Mr. Abhishek Chhabra, learned counsel [IA 10442/2017]. Learned counsel’s telephone number also appears on the said application and in the reply filed by the defendant to the plaintiff’s application under Order VIII Rule 1 of the CPC [IA 12547/2018].

4. In these circumstances, in the interest of justice, learned counsel for the plaintiff is directed to place on record the current master data in respect of the defendant-company from the database of the Ministry of Corporate Affairs, Government of India. Learned counsel for the plaintiff is also directed to forward a copy of this order by Speed Post to the defendant-company at its current registered office, as also by e-mail and mobile phone, if any e-mail address and telephone number appear in the master data. Learned counsel for the plaintiff will file an affidavit of compliance within one week.

5. The Registry is also directed to forward a copy of this order to learned counsel who have filed the written statement on behalf of the defendant, the application under Order VI Rule 17 of the CPC and the reply to the application under Order VIII Rule 1 of the CPC.

6. It is made clear that if the defendant does not enter appearance on the next date of hearing, it is liable to be treated *ex parte*.

7. List on 06.04.2023.

PRATEEK JALAN, J

NOVEMBER 28, 2022/‘vp’/