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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 1545/2016
KALRA PAPER CONVERTOR & TRADER PVT LTD
..... Plaintiff

Through: (Appearance not given)

versus

NATIONAL INSURANCE COMPANY LTD & ORS
..... Defendants

Through: Mr. Sanjay Rawat, Adv. for D-1
(joined through VC)

Mr. Ankit Kumar, Adv. for Ms.
Amita Gupta, Adv. for D-2

Mr. Siddhartha Yadav & Ms.
Ishita Yadav, Advs. for D-4

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **11.01.2023**

CC(COMM)53/2018

Pleadings in the counter claim are already complete.

Re-notify on next date.

CS (COMM) 1545/2016

It is pointed out that pleadings qua defendant no.1,2&4 are already complete.

Matter is now listed for completion of service of defendant no.3.

As per office note, notice could not be issued qua service of defendant no.3 as PF has not been filed on time by the plaintiff. Learned proxy counsel for the plaintiff seeks one more opportunity to take steps for service of defendant no.3. The same is vehemently opposed by learned counsel for the defendant no.4, who submits that the plaintiff has been granted repeated opportunities since the year 2018 for service of defendant no.3 but to no avail. It is also stated that the plaintiff is intentionally not taking



steps for service of defendant no.3 with a view to delay the Counter Claim filed by defendant no.4.

I have carefully considered the submissions and perused the records. Despite repeated directions and opportunities given to the plaintiff since the year 2018, the plaintiff has not taken requisite steps for service of defendant no.3. Even on the last date of hearing i.e. 04.11.2022, in the interest of justice, last and final opportunity was granted to the plaintiff for taking steps qua service of defendant no.3. Despite the same, again PF has not been filed on time by the plaintiff for service of defendant no.3. Resultantly, the defendant no.3 remained un-served in captioned matter pending disposal since the year 2016. No ground is made out for giving further opportunity to the plaintiff.

However, solely, in the interest of justice, subject to imposition of cost of Rs.15,000/- out of which Rs.10,000/- to be paid by the plaintiff to learned counsel for defendant no.4 and Rs.5000/- to be deposited by the plaintiff with Delhi High Court Legal Services Committee, one more opportunity is granted to the plaintiff for taking steps qua service of defendant no.3 through all permissible modes, in terms of previous orders, returnable for the next date of hearing. PF be filed by the plaintiff within five days. The plaintiff is directed to pay/deposit cost within three days.

Re-notify the matter for completion of service qua defendant no.3/ further proceedings on 17.03.2023.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 11, 2023/ab

Click here to check corrigendum, if any