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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: Mr. D. K. Pandey, Adv. (joined
through VC) & Ms. Ritika Davis,
Adv.

versus

NATIONAL INSURANCE COMPANY LTD & ORS

..... Defendants

Through: None for D-1
Ms. Amita Gupta, Adv. (joined
through VC) and Ms. Bhawna
Bhati, Adv. for D-2
Mr. Siddhartha Yadav & Ms.
Ishita Yadav, Advs. for D-4

CORAM:

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

ORDER

% **14.02.2024**

**IA No.15166/2023 under Order XXXIX Rule 10 CPC
moved by the defendant no.4 seeking direction to the
plaintiff**

At this stage, learned counsel for the plaintiff submits that he does not wish to file any reply to the captioned IA.

As per office note, fresh address of the defendant no.2 has been placed on record in compliance of order dated 21.11.2023.

At this stage, learned counsel for the defendant no.2 has joined the proceedings through VC and submits that she does not wish to file any reply to the captioned IA as the captioned IA does not pertain to the defendant no.2

It is already stated by learned counsel for the defendant no.1 that he does not wish to file any reply to the captioned IA.



At the request of learned respective counsels for the plaintiff and defendant no.4, place the captioned IA before the Hon'ble Court **22.03.2024**, for further directions.

CC(COMM)53/2018

Pleadings in the counter claim are already complete.
Re-notify on **08.08.2024**.

CS (COMM) 1545/2016

It is stated by learned counsel for the plaintiff that he has already deposited the previous cost of Rs.5000/- in Delhi High Court Legal Services Committee and undertakes to file cost receipt with the registry. Let needful be done as stated. He also submits that he has already paid previous cost of Rs.1500/- to learned counsel for the defendant no.2 and the same is conceded by learned counsel for the defendant no.2. Learned counsel for the plaintiff submits that he could not pay previous cost of Rs.1500/- to defendant no.1 due to lack of details and requests that defendant no.1 may be directed to supply the details for payment of cost. None is present on behalf of the defendant no.1 today. The learned counsel for the defendant no.1 is directed to provide the requisite details to learned counsel for the plaintiff within one week for payment of cost digitally.

The pleadings qua defendant no.1,2&4 are already complete.

Affidavit of Service has not been filed by the plaintiff for service of the defendant no.3.

At this stage, it is pointed out by learned counsel for the defendant no.4 that the address of the defendant no.3 is of China and despite repeated opportunities granted to the



plaintiff for service of the defendant no.3 since 2019, no effective steps have been taken by the plaintiff for service of defendant no.3. He further submits that in fact, vide order dated 15.03.2019, summons were directed to be issued to the defendant no.3 through Ministry of Law and Justice as per rules. The order dated 15.03.2019 was not complied with by the plaintiff as proper PF was not filed by the plaintiff till the year 2022 and that lastly, steps were taken by the plaintiff for service of defendant no.3 only in the year 2022. Heard and record perused. One report dated 22.04.2022 received from the Ministry of Law and Justice is on record pointing out that procedural non-compliances on the part of the plaintiff. As per said report, the pleadings and documents are to be served in Chinese language for service of any person/entity residing/situated at China. So, in view of above, fresh summons of the suit be issued to the defendant no.3 through Ministry of Law and Justice as per rules on taking steps by the plaintiff. The learned counsel for the plaintiff is also directed to make all necessary compliances including translation of the documents and pleadings. The said translation be filed by the plaintiff within eight weeks alongwith PF for service of defendant no.3. It is clarified that now last and final opportunity is granted to the plaintiff to take requisite steps for service of defendant no.3 as per law and no further opportunity shall be granted to the plaintiff on the next date of hearing, and in case of any lapses on the part of the plaintiff in filing PF or to make necessary compliances as per report of Ministry of Law and Justice for service of Chinese entity/person, adverse order shall follow.



Re-notify the matter for completion of service of
defendant no.3/further proceedings on **08.08.2024**.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 14, 2024/ab
[Click here to check corrigendum, if any](#)