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

+ **CS(COMM) 389/2017**

M/S SAKUMA EXPORTS LIMITED

..... Plaintiff

Through: Ms. Mithila Jain Prabhakar, Adv.

versus

M/S SIMBHAOLI SUGARS LIMITED & ORS

..... Defendants

Through: Ms. Sneha Jain, Adv.

CORAM:

SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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04.01.2018

IA No. 84/2018 (u/O 8 R 1 r/w Section 151 CPC filed by defendants for seeking condonation of delay in filing of written statement)

Notice of IA is accepted by counsel for plaintiff, who does not want to file reply to the IA and he is ready to advance arguments on the IA straightway.

Heard on IA.

Record perused.

For the reasons mentioned in the application and the submissions advanced by learned counsel for both the parties, the delay of 23 days in filing of written statement and counter claim by the defendants is directed to be condoned in the interest of justice.

IA stands disposed of accordingly.

CS (COMM) 389/2017

Written statement to the suit of plaintiff along with counter claim and documents filed by defendants has come on record. Four weeks time sought for



filing of replication to the written statement in the main suit. Let the same be filed within the time as sought and prayed for with advance copy to counsel for defendants.

Registry is directed to give separate number to the counter claim filed by defendants.

Plaintiff is directed to file written statement to the counter claim of defendants within four weeks with advance copy to counsel for defendants who may file the replication to the same within two weeks thereafter.

The counter claim filed by defendants shows that the defendants, besides the plaintiff, has impleaded two more defendants. The defendants are directed to take necessary steps for service of defendant no.2 and 3 in the counter claim within seven working days from today positively.

Affidavit for admission/denial of documents be filed by both the parties strictly in terms of the provisions contained in 'The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015' within six weeks with advance copy to each other.

They are directed to produce the original documents in the court if not filed earlier on the next date of hearing.

Renotify the matter for completion of pleadings in the main suit as well as in the counter claim and also for admission/denial of documents on 23.03.2018.

**SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

**JANUARY 04, 2018
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