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

+ **CS(COMM) 1136/2018**

**MR. TOSHIKI AIBA AS THE BANKRUPTCY TRUSTEE OF
THE ESTATE OF VIPAN KUMAR SHARMA..... Plaintiff**

Through Mr.Uttam Datt, Ms.Savita Sarna,
Ms.Manila Munjal, Ms.Natasha Sahni and
Ms.Raveen Verma, Advs.

versus

MR. VIPAN KUMAR SHARMA & ANR..... Defendant

Through Mr.Divyakant Lahoti, Ms.Amrita
Grover and Mr.Parikshit Ahuja, Advs.for D-2

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 16.10.2018

IA No.14052/2018

This application is filed seeking enlargement of time to comply with the directions of this court dated 24.9.2018. On 24.9.2018 this court had passed interim orders in favour of the plaintiff and had directed that the plaintiff will comply with Order 39 Rule 3 CPC within three days. Learned counsel for the plaintiff submits that inadvertently the plaintiff was of the opinion that the said provision has to be complied with within seven days. Compliance is said to have been done on 1.10.2018.

Learned counsel for defendant No.2 has entered appearance. He has vehemently opposed the application stating that the plaintiff has approached the court by suppression of material facts and the interim order be vacated. He seeks some time to file reply.

Given the nature of the application, namely, merely seeking extension



of time of four days for complying with the provisions of Order 39 Rule 3 CPC, I do not see the need for giving time to defendant No.2 to file reply.

For the reasons stated in the application same is allowed.

IA No.14171/2018

This application is filed for submission of deficit court fee under section 149 of the CPC. By this application the plaintiff seeks liberty to have the deficit court fee placed on record which was said to have been issued on 3.10.2018 by the Govt. of NCT of Delhi. This court on 24.9.2018 had given one week's time to the plaintiff to file the deficit court fees. Court fee has been filed by the plaintiff. Same may be taken on record.

Application stands disposed of.

CS(COMM.)1136/2018

Learned counsel for defendant No.2 has pointed out that copy of the Memo of Parties that has been supplied to him is incorrect. Complete address of defendant No.1 has not been shown in the copy supplied to him.

Let the plaintiff submit a fresh complete set of paper book to learned counsel for defendant No2 within one week from today.

List on 13.12.2018 i.e. the date already fixed.

JAYANT NATH, J

OCTOBER 16, 2018

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