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

+ CS(COMM) 1136/2018

I.A. 7598/2020 (under Order XI Rule 1(5) Commercial Courts Act-plaintiff)

I.A. 6242/2020 (under Order VII Rule 11 CPC-by defendant No.2)

MR.TOSHIKI AIBA AS THE BAKRUPTCY TRUSTEE OF THE ESTATE OF VIPAN KUMAR SHARMA & ANR. Plaintiff

Represented by: Ms. Savita Sarna, Advocate.

versus

VIPAN KUMAR SHARMA & ANR Defendant

Represented by: Mr. Shashank Garg, Advocate for D-1.

Mr. Divyakant Lahoti, Advocate with Mr. Kartik Lahoti, Advocate for D-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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05.10.2020

The hearing has been conducted through Physical Mode.

I.A.8925/2020 (delay in filing reply-by plaintiff)

1. Notice.
2. Learned counsels for the defendants accept notice.
3. By this application the plaintiff seeks condonation of delay of 30 days in filing reply on behalf of the plaintiff to I.A.6242/2020 under Order VII Rule 11 CPC filed by defendant No.2.
4. Learned counsel for plaintiff/applicant submits that due to two unfortunate deaths in the family of the counsel herself, the reply could not be filed.



5. Considering the grounds taken in the application, delay of 30 days in filing the reply affidavit to I.A.6242/2020 filed by defendant No.2 under Order VII Rule 11 CPC is condoned.
6. Reply affidavit be taken on record.
7. Application is disposed of.

I.A. 8866/2020 (under Order XI Rule 1(5) as applicable to Commercial Disputes r/w Section 151 CPC-by plaintiff)

1. Learned counsel for the plaintiff/applicant states that since the documents have already been filed, the plaintiff/applicant be permitted to withdraw this application.
2. Application is dismissed as withdrawn.

I.A. 7599/2020 (exemption from filing official translation of documents and notarised copy of affidavit)

1. By this application the plaintiff seeks exemption from filing true translation of the documents filed along with replication to the written statement of defendant No.1.
2. Exemption allowed subject to just exceptions.
3. Application is disposed of.

I.A. 7598/2020 (under Order XI Rule 1(5) Commercial Courts Act-plaintiff)

1. By this application the plaintiff/applicant had sought permission to file additional documents beyond 30 days of filing the suit.
2. Reply affidavit has since been filed by defendant No.2.
3. Learned counsel for defendant No.1 seeks one week further time to file reply.
4. Reply affidavit by defendant No. 1 be filed within one week.



5. Rejoinder affidavit be filed within two weeks thereafter.
6. List the application on 7th December, 2020.

I.A. 6242/2020 (under Order VII Rule 11 CPC-by defendant No.2)

1. Reply affidavit of the plaintiff has been taken on record today.
2. Rejoinder affidavit be filed by defendant No.2 within four weeks.
3. List the application on 7th December, 2020.
4. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

OCTOBER 05, 2020

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