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

Date of decision: 13.09.2023

+ CM(M) 1474/2023

UTSAV BHATTACHARJEE

..... Petitioner

Through: Mr. Arunava Mukherjee with Mr.
Nisarg P. Khatri, Advocates

versus

**RECVTA SOLUTIONS PRIVATE LIMITED
& ORS.**

..... Respondent

Through: Mr. Ramesh Singh, Senior Advocate
with Ms. Sakshi Mehley, Advocate

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 227 of Constitution of India impugns the order dated 02.09.2023 passed by the ADJ-03, South East District, Saket Courts, New Delhi ('Trial Court') in CS DJ No. 624/2023, whereby the Trial Court has issued the summons in the suit and notice in the application filed under Order XXXIX Rule 1 and 2, Code of Civil Procedure ('CPC') to the defendants returnable for 25.09.2023.
2. The Petitioner is the plaintiff and the Respondents are the defendants in the civil suit filed for declaration, injunction and damages.
3. Ms. Sakshi Mehley, learned counsel for Respondent Nos. 1 and 2 has entered appearance on advance service and accepts notice.
4. The learned senior counsel for the Respondent Nos. 1 and 2 states that



the Respondent will file their reply to the application under Order XXXIX Rule 1 and 2 of CPC on or before 19.09.2023 and will supply an advance copy to the Petitioner. He further states on instructions that Respondent No.3 as well will be duly represented before the Trial Court on the next date of hearing and her reply, if any, will be filed before the Trial Court on or before 19.09.2023. He states Respondent No.3 is the sales officer employed with Respondent No.1. The said statement is taken on record and the Respondent Nos. 1 and 2 are bound down to the same.

5. Rejoinder, if any, to the said replies will be filed by the Petitioner on or before 21.09.2023.

6. Learned counsel for the Petitioner states his application filed under Order XXXIX Rule 1 and 2 CPC will become infructuous on 25.09.2023. He, therefore, prays that the date of hearing be advanced to 22.09.2023. Learned senior counsel for the Respondent states that he has no objections to the said request.

7. With the consent of the parties, the date before the Trial Court is advanced to 22.09.2023. The Trial Court is requested to hear and adjudicate upon the application under Order 39 Rule 1 and 2 CPC listed before it on 22.09.2023. The parties are directed to not seek any adjournment before the Trial Court on 22.09.2023.

8. With the aforesaid directions, the present petition is disposed of. Pending applications stand disposed of.

9. It is made clear that this Court has not examined the merits of the contentions of the Petitioner raised in the petition or the objections of the Respondent; and rights and contentions of the parties are left open.

10. The digitally signed copy of this order, duly uploaded on the official



website or the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 13, 2023/msh/aa

Click here to check corrigendum, if any