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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M)-IPD 8/2024, CM APPL. 24599/2024**
RRE FOODS AND SOFT DRINKS PVT. LTD. Petitioner
Through: Appearance not given.

versus

ALKA FOOD PRIVATE LIMITED Respondent
Through: Mr. Kunal Khanna and Ms. Vridhi
Pasricha, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA
ORDER
29.04.2024

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1. The present petition under Article 227 of the Constitution of India impugns order dated 30th March, 2024¹, passed by the District Judge, Rohini Courts, Delhi, which reads as follows:

“Some arguments on application u/o 9, Rule 13 CPC have been heard.

At this stage, an application u/o 39, Rule 2A CPC has been filed by the plaintiff. Copy supplied to Ld. proxy counsel for the defendant who is appearing in court.

Let reply to this application be filed within four weeks from today.
The authorized officers/Directors of both the parties shall remain present in court on the NDOH.

List for reply/arguments on this application on 30.04.2024.”

2. Counsel for the Petitioner (Defendant before the District Court) submits that the application filed by them in March 2023 under Order IX Rule 13 of the Code of Civil Procedure, 1908 (CPC), has still not been adjudicated. Yet, the District Court, on the Respondent's application under

¹ “Impugned Order”



Order XXXIX Rule 2A of CPC, has directed the presence of the Directors of the Petitioner before the Court.

3. In the opinion of the Court, no interference is called for in the Impugned Order. Since the District Court had been approached under a contempt application under Order XXXIX Rule 2A, it is within the said Court's jurisdiction to direct the presence of the parties. Additionally, it must be noted that the direction has been issued to both the parties, which also indicates that the District Court might endeavour to facilitate a resolution in the matter for which the presence of the parties is necessary. Be that as it may, the Petitioner should not be averse to appearing before a Court of law.

4. In view of the above, the Court finds no merit in the present petition. However, it is noted that the Court finds merit only to the extent that the presence of *all* the Directors of both parties would not be necessary. This, in fact, also does not appear to be the intent of the District Court's directions, as is evident from the language of the order. Nonetheless, since the Court orders have to be interpreted in strict letter and spirit, a clarification to that effect is necessary. Accordingly, it is directed that one of the Authorised Officer/ Director/ Managing Director of both the parties shall remain present before the District Court on the date fixed i.e. 30th April, 2024.

5. With the above directions, the petition is disposed of along with pending application.

SANJEEV NARULA, J

APRIL 29, 2024/nk