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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 08th October, 2024***

+ **CM(M) 3576/2024**
M/S PARAMOUNT INDENTORS AND SALES

.....Petitioner

Through: Mr. Akhil Krishan M., Mr. Ayush Mittal and Mr. Vikas Sareen, Advocates.

versus

M/S EMERALD MULTIVENTURE PRIVATE LIMITED & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

CM APPL. 59576/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3576/2024

1. The petitioner had filed a commercial suit seeking recovery against three persons i.e. M/s Emerald Multiventure Pvt. Ltd. and its two directors.
2. It is submitted that defendant No.2 director i.e. Shri. Satish Chandra Joshi has already appeared before the learned Trial Court and has also submitted an authorisation on behalf of the defendant No.1 to represent the company in such suit and, therefore, for all practical purposes the service upon the defendant No.1 should have been assumed to be there.
3. Petitioner is aggrieved by order dated 23rd September, 2024 whereby the learned Trial Court has not only directed him to take fresh steps to serve



defendant No.1 but has also burdened him with a cost of Rs.5,000/- for not taking steps for service on defendant No.1.

4. After hearing arguments for some time, the present petition is disposed of with direction that the petitioner i.e. plaintiff would be at liberty to move appropriate application before the learned Trial Court seeking re-call of the above said order and also seeking waiver of the cost.

5. It is expected that once any such application is moved before the learned Trial Court, the learned Trial Court would consider the same and would dispose the same of in accordance with law after hearing learned counsel for plaintiff and defendant No.2.

6. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 8, 2024/ss