

IN THE COURT OF VIKAS DHULL, ADDITIONAL  
DISTRICT JUDGE-01, WEST, THC, DELHI  
Civ.DJ No. \_\_\_/2020

Harish Kumar.Setia

... Plaintiff

VERSUS

Manmohan Singh

... Defendant

THROUGH WEBEX VIDEO CONFERENCING

21.05.2020 (12.30 p.m. to 12.40 p.m.)


Fresh suit for recovery of possession, arrears of rent, damages/mesne profits and permanent injunction has been received by way of assignment and has been put before the undersigned by the Filing Section, Tis Hazari Courts, Delhi which was received by the undersigned through email.

Pr: Sh.Rajat Aneja, Ld.counsel for plaintiff.

(M.No.9910727771)

(Email ID: raneja@anejaandaneja.com),

Alongwith the suit, plaintiff has filed an application under order XXXIX Rule 1 and 2 CPC seeking exparte



ad interim injunction.

Heard on the said application.

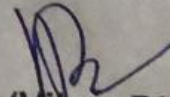
Plaint and documents also perused.

No case is made out for grant of ex parte injunction.

Now, issue summons of suit and notice of various applications to the defendant by plaintiff through all electronic modes i.e. email, whatsapp, sms etc. for 22.05.2020.

Plaintiff is directed to file an affidavit of service upon defendant and the manner in which defendant has been served before the Judicial Branch, THC, West, Delhi through email before the next date of hearing.

A copy of order be sent to the Id.counsel for plaintiff by the Filing Section, West, THC, Delhi through email.



(Vikas Dhull)  
ADJ-01/WEST/THC  
DELHI  
(Duty Officer)/21.05.2020

IN THE COURT OF VIKAS DHULL, ADDITIONAL  
DISTRICT JUDGE-01, WEST, THC, DELHI

Civ.DJ No. \_\_\_/2020

M/s.Nerotech Overseas

... Plaintiff

VERSUS

M/s.Associated Tubes

... Defendant

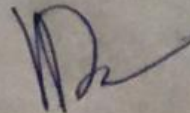
THROUGH WEBEX VIDEO CONFERENCING

21.05.2020 ( 12 noon to 12.20 p.m.)

Fresh suit for recovery for Rs.16,06,740/- and for permanent injunction has been received by way of assignment and has been put before the undersigned by the Filing Section, Tis Hazari Courts, Delhi which was received by the undersigned through mail.

Pr: Sh.Rishabh Gupta and Sh.Mukesh Gupta,  
Ld.counsels for plaintiff.

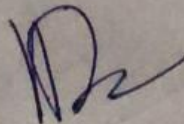
(M.No. of Id.counsel Sh.Rishabh Gupta:



8586834657)

(Email ID of Id.counsel Sh.Rishabh Gupta:  
).

1. Alongwith the suit, an application for exparte injunction under Order XXXIX Rule 1 and 2 CPC has also been filed.
2. Today, Id.counsel for plaintiff has pressed his application for exparte injunction.
3. Heard on the application and averments made in the suit perused as well as the documents filed alongwith it.
4. It is the case of plaintiff that he had supplied to defendant three Tube Mills totaling Rs.39,50,000/- It was further agreed that plaintiff would erect the said Tube Mills at the site of the defendant at Bareilly, Uttar Pradesh for which plaintiff would charge 7% of the Project Cost and GST.
5. As per the case of plaintiff, Tube Mills were supplied through a transporter to the defendant and even Tube Mills were commissioned by the



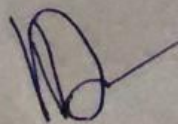
workers of the plaintiff at the site of the defendant.

6. The total cost of the three Tube Mills and labour cost of erecting of Tube Mills was around Rs.51 Lacs against which defendant had made payment of Rs.36,37,463/-. For the remaining payment, defendant had falsely raised a debit note of Rs.15,50,000/- regarding short supply of Tube Mill parts.
7. It was further averred that defendant had raised this false pre-dated debit note just to defeat the legitimate claim of the plaintiff.
8. It was further averred that in case, certain parts were not supplied to defendant, then how the Tube Mills had started functioning at the site of the defendant and were being used in the production of stainless steel pipes.
9. It was further averred that when plaintiff had sent the email dated 19.05.2020 to defendant demanding his balance payment, then he had received a telephonic call from the defendant whereby he threatened to dispose of the Tube



Mills in case, plaintiff did not accept the false debit note of the defendant. Accordingly, a prayer for ex parte injunction is made.

10. I have heard the Id.counsel for plaintiff and have carefully perused the documents filed on record alongwith the plaint i.e. e-way bills, receipt issued by the transporter and the email sent by plaintiff to defendant demanding his dues.
11. As per the case set up by plaintiff, he has received the payment against two Tube Mills supplied by him to defendant and only payment against one Tube Mill is pending.
12. In the facts, having regard to the apprehension expressed by the plaintiff that defendant might create third party interest in the Tube Mill, a case for grant of ex parte injunction is made out. Hence, **the application filed by plaintiff under Order XXXIX Rule 1 and 2 CPC for grant of exaparte ad interim injunction is allowed** and defendant is accordingly, restrained from creating any third party interest in one Tube



Mill supplied by plaintiff till the next date of hearing.

13. Compliance of Order XXXIX Rule 3 CPC be made by plaintiff failing which exparte order will be deemed to have been vacated.
14. Now, **issue summons of the suit and notice of all the miscellaneous applications to defendant by plaintiff through all electronic modes i.e. email, whatsapp, sms etc. for 27.05.2020 and let plaintiff file an affidavit of service upon defendant and the manner in which defendant has been served before the Judicial Branch, THC, West, Delhi through email prior to next date of hearing.**
15. A copy of order be sent to the Id.counsel for plaintiff by **the Filing Section, West, THC, Delhi through email.**

  
(Vikas Dhull)  
ADJ-01/WEST/THC  
DELHI  
(Duty Officer)  
21.05.2020