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

+ **CS(OS) 384/2019**

INDIAN NATIONAL TRADE UNION CONGRESS

.....Plaintiff

Through: Mr. Neeraj Shekhar, Mrs. Kshama
Sharma & Ms. Priya Chakraborty,
Advs. for plaintiff Indian National
Trade Union Congress, Kanpur /
D-1 in counter-claim (through VC)

versus

G. SANJEEVA REDDY & ORS.

.....Defendant

Through: Mr. S.B. Tripathi, Adv. for D-5
Indian National Trade Union
Congress, Kanpur (earlier D-6) /
counter-claimant (Mobile No.
9999002154) (through VC).

Ms. Mayuri Raghuvanshi with Mr.
Vyom Raghuvanshi, Ms. Akanksha
Rathore, Ms. Kinal Sharma, Advs.
for D-1, 3 & 4 in main suit as well
as for proposed defendant in the
main suit i.e. Indian National Trade
Union Congress, New Delhi (D-2
in counter-claim) (through VC).

Ms. Pratima N. Lakra, CGSC, for
Union of India/D-3 in counter-claim
(not party in the main suit) (through
VC).

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)

ORDER

03.10.2024

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Proceedings are being conducted through hybrid mode.

Case file has been received from the court of Ms. Shuchi
Laler, Ld. Joint Registrar (Judicial) by way of transfer in
terms of office order dated 28.06.2024.



I.A. No. 30736/2024 (by D-5 u/O VII Rule 11 of CPC for rejection of main suit) &

I.A. No. 40416/2024 [by D-2 in counter-claim (proposed defendant in main suit) u/O VII Rule 11 of CPC for rejection of counter claim filed by counter-claimant/D-5]

1. It is submitted that the captioned IAs are coming up for hearing before the Hon'ble Court on 29.10.2024.

I.A. No. 39987/2024 [by D-2 in counter-claim (proposed defendant in main suit) for condonation of delay of 97 days in filing WS to counter-claim of D-5]

2. No reply to the captioned IA has been filed on behalf of defendant no.5/counter-claimant. Some more time has been sought. Let the same be filed within two weeks and rejoinder thereto be filed within two weeks thereafter.

I.A. No. 16490/2023 (by applicant Indian National Trade Union Congress u/S 151 CPC for directions to plaintiff to file amended memo of parties)

3. Ld. Proxy Counsel for plaintiff submits that main counsel for plaintiff is not available today and she seeks time to take instructions qua the captioned IA.

4. Let reply to the captioned IA be filed within four weeks as last opportunity and rejoinder thereto be filed within two weeks thereafter.

I.A. No. 17903/2023 [by D-4 u/O I Rule 10 of CPC for impleadment of Indian National Trade Union Congress (INTUC), New Delhi as defendant in main suit]

5. As per office noting, reply to the captioned IA has been filed on behalf of defendants no.1, 3 and 4.

6. Ld. Counsel for defendant no.5 submits that he does not wish to file any rejoinder to the said reply of defendants no.1, 3 and 4.

7. Ld. Counsel for proposed defendant Indian National Trade Union Congress, New Delhi submits that the said



proposed defendant no. 5 also filed reply to the captioned IA vide diary no.3747523/2024, however, the same is lying under objection as the same could not be filed within stipulated period.

8. Ld. Counsel for defendant no.5 has submitted that he has no objection if delay, if any, in filing reply to captioned IA by proposed defendant vide diary no.3747523/2024 is condoned and the same be taken on record.
9. Heard. In view of above submissions, delay, if any, in filing reply to captioned IA by proposed defendant vide diary no.3747523/2024 is condoned and the same be taken on record if complete in other respects.
- 10.No reply to the captioned IA has been filed on behalf of remaining non-applicants including plaintiff. Let reply be filed within two weeks as last opportunity and rejoinder thereto be filed within two weeks thereafter.

CC 3/2024 (counter-claim filed by D-5)

- 11.It is submitted that the present counter-claim has been filed on behalf of counter-claimant/defendant no.5 against the respondent no.1/plaintiff, respondent no.2 namely Indian National Trade Union Congress (INTUC), New Delhi (proposed defendant in main suit) and respondent no.3 namely Union of India (not party in main suit).
- 12.No written statement to the counter-claim has been filed on behalf of respondents no.1 to 3. Let the same be filed as per law with advance copy to the opposite party, who may file replication thereto thereafter as per law.

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- 13.Pleadings qua defendants no.1 to 4 are already complete.
- 14.Perusal of record shows that written statement alongwith



- affidavit of admission/denial of documents were already filed on behalf of defendant no.5 (earlier defendant no.6).
- 15.Ld. Counsel for defendant no.5 (earlier defendant no.6) has submitted that he has not filed affidavit of admission/denial of documents of plaintiff as he wishes to inspect original documents. In view of his submissions, plaintiff is directed to provide inspection of original documents within two weeks on the date, time and venue to be decided between both the Ld. Counsels for parties. Let appropriate steps for filing of affidavit of admission/denial in prescribed format be taken by defendant no.5 thereafter within four weeks.
- 16.No replication to written statement of defendant no.5 (earlier defendant no.6) has been filed on behalf of the plaintiff. Time sought. Let appropriate steps be taken as per law.
- 17.Joint Document Schedule has not been filed.
- 18.Let Joint Document Schedule including hard copy of the same be filed at least two weeks before the next date.
- 19.Both the parties shall file hard copies of their documents at least two weeks before the next date.
- 20.Re-notify the present matter for completion of pleadings, admission/denial of documents and further proceedings on **18th December, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 3, 2024/v

Click here to check corrigendum, if any