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

+ CS(OS) 18/2024 & I.A. 532/2024

TARA GUPTA & ORS. Plaintiffs

Through: Mr. Samar Kachwaha with Ms. Shivangi Nanda, Ms. Kavita Vinayak, Ms. Rini Mehta, Mr. Anmol Agarwal and Mr. Prayuj Sharma, Advocates.

versus

TATA SIA AIRLINES LTD. Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **09.01.2024**

I.A. 532/2024 (extension of time for filing court fee) & I.A. 531/2024 (exemption)

Extension/exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed of.

CS(OS) 18/2024

By way of the present suit, plaintiff No.1, a minor acting through her natural guardian, alongwith plaintiffs Nos. 2 and 3 who are the mother and the father of plaintiff No. 1 respectively, claim damages in the sum of Rs. 2,68,93,077/- against the respondent on account of bodily injuries sustained by petitioner No.1 on board an aircraft operated by the defendant; alongwith medical expenses incurred in Frankfurt, Germany; and other consequential and ancillary reliefs, arising from an incident that occurred on 11.08.2023 on a flight from



Delhi to Frankfurt (en-route to Lisbon), allegedly caused by acts of negligence and omission on the part of the crew.

2. Upon a *prima facie* conspectus of the matter, let the plaint be registered as a suit.
3. Issue summons in the suit.
4. Upon the plaintiffs taking steps within 10 days, let summons be sent to the defendant by all permissible modes, returnable before the learned Joint Registrar.
5. Let the summons indicate that the defendant is required to file written statement to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiffs. The plaintiffs may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendant.
6. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 21st March 2024.
7. List before court thereafter.

I.A. 529/2024

8. By way of the present application filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure 1908 ('CPC'), the plaintiffs seek ad-interim relief against the defendant.
9. Issue notice.
10. Upon the plaintiffs taking requisite steps within 10 days, let notice be sent to the defendant by all permissible modes, returnable before court on the next date.



11. Let the notice indicate that reply to the application be filed within 02 weeks of service; rejoinder thereto, if any, be filed within 01 week thereafter; with copies to the opposing counsel.
12. List before court on 06th March 2024.

I.A. 530/2024

13. By way of the present application filed under Order II Rule 2 read with section 151 of the CPC, the plaintiffs seek leave to sue the defendant for additional reliefs at a later stage.
14. Issue notice.
15. Upon the plaintiffs taking requisite steps within 10 days, let notice be sent to the defendant by all permissible modes, returnable before the learned Joint Registrar.
16. Let the notice indicate that reply to the application be filed within 30 days; rejoinder thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
17. List before the learned Joint Registrar on on 21st March 2024, for completion of pleadings in this application.
18. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

JANUARY 9, 2024

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