

**TM No. 82/17**  
**Januki Kumar and Ors. Vs. V.K. International**

12.07.2023

Present: None for the plaintiff.  
None for the defendants no. 1 and 2.  
Sh. Manish Kumar Singh, Proxy counsel for Ms. Kanika Goel,  
Ld. counsel for the proposed defendant No. 3.  
Sh. Kuber Mahajan, Ld. counsel for the defendant No. 4.

Perusal of the record shows that reply to the application under order 1  
Rule 10 CPC has been filed by the proposed defendant no. 3 on 10.07.2023.  
Be awaited.

**(Ajay Gulati II)**  
ADJ-01 (Central)  
THC, Delhi/12.07.2023

12:10 PM

Present: Sh. Pranay Sarkar, Ld. counsel for the plaintiff.  
None for defendant no. 1 and 2.  
Sh. Manish Kumar Singh, Ld. proxy counsel for Sh. Kanika Goel for  
defendant no. 3.  
Sh. Kuber Mahajan, Ld. counsel for defendant no. 4/Flipkart Internet  
Pvt. Ltd.

Ld. counsel for plaintiff submits that he has received copy of the reply  
filed on behalf of proposed defendant no. 3.

It is also submitted by Ld. counsel for the plaintiff that as per instructions  
from the plaintiff, the plaintiff does not wish to pursue its application against proposed  
defendant no. 4 provided the proposed defendant no. 4 takes down all the infringing

material available at their site and for that the plaintiff is ready to provide the necessary URLs to the proposed defendant no. 4.

Ld. counsel for the proposed defendant no. 4/Flipkart Internet Pvt. Ltd. submits that in case the plaintiff is ready to withdraw the present application, then the proposed defendant no. 4 has no objection to co-operate with the plaintiff in removing the infringing articles alleged to have been sold online portal of proposed defendant no. 4 subject to providing the details of the URLs.

At this stage, Ld. counsel for plaintiff that the application under Order 1 Rule 10 CPC moved to implead defendant no. 4/Flipkart Internet Pvt. Ltd. be dismissed as withdrawn giving liberty to the plaintiff to approach the defendant no. 1 with the request of removing the infringing articles as submitted above.

The Ld. counsel appearing for M/s Flipkart has provided the e-mail addresses i.e. [kuber@saikrishnaassociates.com](mailto:kuber@saikrishnaassociates.com) and [shilpa@saikrishnaassociates.com](mailto:shilpa@saikrishnaassociates.com) and it is submitted that if the plaintiff shares the list of URLs at the said e-mail addresses, then M/s Flipkart shall do the needful if so warranted.

Ld. counsel for the plaintiff has noted down the e-mail addresses and is at liberty to supply necessary details to the counsel appearing for M/s Flipkart.

In view of the above, the application stands dismissed as withdrawn.

At this stage, Ld. Proxy counsel for proposed defendant no. 3 seeks adjournment on the ground that the main counsel is not available today and he is unable to advance arguments on the application under order 1 Rule 10 CPC for impleading the proposed defendant no. 3.

At request, list for arguments on **26.09.2023**.

**(Ajay Gulati II)**  
ADJ-01 (Central)  
THC, Delhi/12.07.2023