

CS (COMM) 281/26

MAHAVIR PRASAD JAIN AND SONS Vs. MOHAN LAL
MAHESH CHAND MAHESHWARI

15.04.2026

Present: Ld. Counsel Mr. Himanshu Chaudhary and Mr. Shivam Jaimini for the plaintiff.

Ld. Counsel Mr. S.K. Tanwar and Mr. Rajat Bhati for defendant no.1.

Vakalatnama filed on behalf of defendant no.1.

Ld. Local commissioner has filed the report. Copy supplied to the counsel for the plaintiff and counsel for defendant no.1.

As per the report of ld. Local Commissioner, the person present in the premises on the date of visit of Local commissioner i.e. 17.03.2026 refused to take service and compliance of Order 39 rule 3 CPC and also refused to co-operate the Ld. Local commissioner.

It is further noted in the report of Ld. Local Commissioner that the defendant no.1 also fail to co-operate in the execution of commission and no seizure of the impugned goods could be carried out due to non co-operated attitude of the defendant.

IA No.07/26 Application u/s 151 CPC for transfer of superdari of the seized goods to the plaintiff.

Counsel for the plaintiff has filed an application for transfer of superdari of impugned goods as per report of Ld. Local

Commissioner to the plaintiff through his distributor Mr. Ramesh Chand Lohia, Mobile no. 7976410215.

Counsel for defendant no.1 submits that the impugned goods are still lying in the premises. Defendant no.1 is directed to hand over the custody of the impugned goods as mentioned in the report of Ld. Local Commissioner to the representative of the plaintiff within 2 days from today.

IA No.08/26 Application u/O 1 Rule 10 (2) CPC for impleadment of the proprietor of defendant.

Plaintiff has filed another application u/O 1 Rule 10(2) CPC for impleadment of the proprietor of defendant firm i.e. Mr. Mohan Lal Rathi in place of the firm. Copy of the application supplied to the counsel for the defendant no.1.

Defendant no.1 present in person in the court has admitted that he is proprietor of the firm Mohan Lal Chand Maheshwari. Accordingly, the application is allowed and stands disposed of. Amended memo of parties is taken on record.

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Counsel for the defendant no.1 submits that he has received the copy of plaint and the documents on 16.03.2026.

WS and reply to the injunction application be filed within 30 days from the date of service as per the mandate of Commercial Courts Act. Plaintiff shall file the replication to the WS of defendant within next 4 weeks with advance copy to the counsel for the defendant.

Defendant no.2 has not been served with the summons of the suit.

Issue fresh summons of the suit and notice of application to the defendant on filing of PF by all prescribed modes i.e. ordinary process, speed post, registered AD, approved courier and permissible electronic modes. Steps be taken within a week from today.

Copy of order be given dasti to both the parties.

Put up for **21.05.2026**.

(ANIL KUMAR SISODIA)
District Judge (Commercial Court)-04
Central/Delhi/15.04.2026