

CS (COMM)153/25

**SURYA ROSHNI LIMITED Vs. ASHOK KUMAR / JOHN
DOE(S)**

28.04.2025

Present: Sh. Shrihar Tripathi, Ld. Counsel for plaintiff
through VC and Sh. Rohan Rudraksh, Advocate
present physically.

**Defendant no.1 is impleaded in this case with an
assumed name (based on John Doe principal)**

Sh. Vivek Jain, Ld. Counsel for defendant no.2
through VC and Ms. Aditi Gupta, Advocate present
physically.

AR of defendant no. 3 with Sh. Gagan Kumar
Singhal and Sh. Prashant Choudhary, Advocates.
Sh. S.S. Rawat, Ld. Counsel for defendant no. 4
through VC.

WS of defendant no.2 is already on record and even
WS on behalf of defendants no. 3 & 4 stand now filed through e-
mode as well as in hard form, along with statement of truth, reply
to application under Order 39 Rules 1 & 2 CPC and their
affidavits of admission/denial etc. An application under Order 7
Rule 11 r/w Order 1 Rule 10 r/w Section 151 CPC on behalf of
defendant no. 3 has also been filed along with the above said
pleadings. Copies thereof stand already supplied to Ld. Counsel
for plaintiff.

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An application under Order 8 Rule 1 CPC has also been filed on behalf of defendant no. 4 seeking condonation of delay in filing of the WS. It is stated that hard copies of plaint and documents to said defendant were supplied in the evening of previous date i.e. 25.03.2025 and the WS has been filed after a delay of just around 1-2 days due to the reason that father of said defendant had expired and defendant was busy in performing his last rites. Hence, keeping in view the above submissions, this application is allowed and the delay is being condoned and WS of defendant no. 4 is taken on record.

However, it is observed that affidavits of admission/denial of defendants no. 3 & 4 are not as per requirements of the Commercial Courts Act. Hence, the same are directed to be filed afresh within seven working days from today and copies thereof are also being directed to be supplied to the opposite Counsel.

An application under Order 11 Rule 1(4) and (5) r/w Section 151 CPC filed on behalf of plaintiff is already on record seeking permission to file original LPCs (Legal Proceedings Certificate) of its registered trade marks. It is stated that copies of these documents were filed with plaint itself. Hence, keeping in view the submissions being made and further keeping in view the observations made in previous order dated 03.02.2025 of this court, this application is also allowed and the original LPCs of trade marks of plaintiff enclosed with the application are taken on record.

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At request, list the matter now on **04.06.2025** for filing of replication by plaintiff to the WS of all the three defendants as well as reply/arguments on the above application of defendant no. 3 filed under Order 7 Rule 11 r/w Order 1 Rule 10 r/w Section 151 CPC.

(M. K. Nagpal)
District Judge, Commercial Court-13
Central District, Tis Hazari Courts,
Delhi/28.04.2025 (s)