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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1499/2016
M/S DABUR INDIA LTD.

..... Plaintiff

Through: Mr. Manish Kr. Mishra,
Ms. Saloni Kasliwal, Advocates

versus

M/S ALKA AYURVEDIC PVT. LTD.

..... Defendant

Through: Mr. M.K.Miglani (VC),
Advocate

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)

ORDER

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09.04.2024

I.A. No. 8052/2024 filed by the plaintiff to take on record the affidavit of evidence of Mr. Vishesh Kumar.

Issue notice. Notice accepted by Id. Counsel for the defendant.

Ld. Counsel for the defendant submits that plaintiff is simply delaying the matter although defendant has no objection to the application being allowed.

Having gone through the contents of the application, even though there is no opposition to the present application, this Court is of the understanding even if the application deserves to be allowed, same should be subject to a reasonable cost.

On 09.01.2024, Mr. Mudit Raizada was substituted as the plaintiff's witness. That application was also allowed without opposition. Directions were given to file affidavit of the substituted witness within six weeks. Instead, the present IA has been moved seeking another substitution on the ground that Mr.



Mudit Raizada has been transferred to Dabur International, Dubai, and hence is not in a position to depose on behalf of plaintiff company.

This Court finds it very strange that having recently substituted Mr. Mudit Raizada as a witness, he has been transferred to the international office of a group company. Such conduct on the part of the plaintiff is too callous to be overlooked. Although the excuse of structural reorganization has been put forth, the plaintiff company also must bear in mind that considerable time is expended by the Courts in dealing with such applications, and must also consider the effect it has on unnecessarily delaying the trial. Consequently, the application is allowed subject however to cost of Rs. 3000/- to be deposited with the Bhart Ke Veer Fund, online portal. Mr. Vishesh Kumar is substituted in place of Mr. Mudit Raizada. Affidavit of evidence of Mr. Vishesh Kumar is also taken on record. Same be filed in physical form within six weeks failing which cost shall be imposed. Cost of Rs.3000/- be deposited within four weeks.

IA stands disposed off.

CS(COMM) 1499/2016

Put up for PE on 23.07.2024.

**Dr. AJAY GULATI (DHJS),
JOINT REGISTRAR (JUDICIAL)**

APRIL 9, 2024/sk

Click here to check corrigendum, if any