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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 50/2024**
TECHFAB INTERNATIONAL PRIVATE LIMITED Plaintiff
Through: Mr. Joby P. Varghese and Mr. A. P.
Varghese, Advocates.
versus
MIDIMA HOLDINGS LIMITED Defendant
Through: None.
CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER
% **02.05.2024**

I.A. 1299/2024

CS(COMM) 50/2024

No one is present on behalf of the defendant when the matter is called-out.

2. Affidavit of service dated 09.04.2024 has been filed on behalf of the plaintiff.
3. Mr. Joby P. Varghese, learned counsel appearing for the plaintiff draws attention to e-mail dated 22.01.2024 sent by the learned Arbitrator appointed in the matter, addressed to both parties as well as to their counsel, to say that the e-mail duly refers to and records the interim order made by this court, whereby further arbitration proceedings had been restrained.
4. Mr. Varghese further points-out, that the learned Arbitrator also records in his e-mail dated 22.01.2024, that counsel appearing for the claimant, *i.e.* the *defendant* in the present matter, had also confirmed the existence of the interim restraint order. He submits therefore, that the defendant is fully aware of the present proceedings.



5. Mr. Varghese submits, that apart from serving the defendant with a copy of order dated 19.01.2024 *vide* e-mail dated 21.01.2024, the plaintiff has yet again served upon the defendant a complete copy of the suit alongwith the order *vide* e-mail dated 04.04.2024.
6. It is noted that the defendant is based in Malawi. Office noting also confirms that the defendant has been served by e-mail; though they have not been served by Registered Post-AD by reason of shortage of postal stamp.
7. In the circumstances, this court is satisfied that having been sufficiently served in the matter, the defendant has chosen not to be represented in these proceedings.
8. Be that as it may, by way of abundant indulgence, let a copy of this order be served by the plaintiff upon the defendant by e-mail, within 10 days. Let an affidavit of service to that effect be filed before the next date.
9. It is made clear that if the defendant remains unrepresented on the next date, the court will proceed to set them *ex-parte*.
10. Interim order dated 19.01.2024 shall continue, during the pendency of the present suit. Needless to add, the defendant is at liberty to seek modification thereof, once they are represented in the matter.
11. Re-notify on 29th August 2024.

ANUP JAIRAM BHAMBHANI, J

MAY 2, 2024/ak