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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA 299/2021**

**MALABAR CARPET EXPORT**

.....Appellant

Through: Mr. Manish Sharma, Mr. Puneet  
Jaiswal, Mr. Kunal Manav, Advs.

versus

**TIGER LOGISTICS (INDIA) LTD**

.....Respondent

Through: Mr. B.V. Niren and Mr. Dinesh  
Kumar, Advs.

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

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**20.09.2024**

1. At the outset, learned Counsel for the Respondent raises an objection that all the Defendants before the learned Trial Court have not been impleaded in the present Appeal.

1.1 The record shows that this matter has been pending for the last three years before this Court and this objection has not been taken by the Respondent earlier.

2. So far as concerns, Defendant No.2, Century Cargo Forwarders, the learned Counsel for the Appellant draws attention of the Court to order dated 12.01.2018 passed in CS No.1304/2017, whereby the learned Trial Court had passed directions that Defendant No.2 be deleted from the array of parties. Learned Counsel submits that order has attained finality and no Appeal has been filed against the same by the Respondent.

2.1 However with regards to Defendant No.3, M/s Zipping COM Imp. E Exportcao LTDA, learned Counsel for the Appellant submits that inadvertently, the said Defendant was not made a party in the present Appeal. He submits that he may be permitted to file an amended memo of



parties to implead Defendant No.3.

2.2 Learned Counsel for the Respondent submits that he has no objection to the said impleadment.

3 Accordingly, Defendant No.3, M/s Zippling COM Imp. E Exportcao LTDA is impleaded as a party in the present Appeal. Let an amended memo of parties be filed within a week.

3.1 On steps being taken, let fresh Notice be issued to the newly impleaded Respondent by email and through registered courier. An affidavit of service be filed within two weeks.

4. The newly impleaded Respondent is also granted time to file its written synopsis, not exceeding three pages each, at least one week before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

4.1 All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

5. Registry is directed to delete the duplicate copy of the compilation filed by the Respondent from the case file. Registry is also directed to send a reminder for the digital copy of the Trial Court record.

6. List on 11.11.2024.

**TARA VITASTA GANJU, J**

**SEPTEMBER 20, 2024/r**

*Click here to check corrigendum, if any*