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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 446/2024**
DEEV GENSET SALES AND SERVICES THROUGH ITS
PARTNER AND AUTHORISED REPRESENTATIVE Plaintiff
Through: Mr. Vivek Srivastava with Mr. Govil
Upadhyaya, Mr. Mahavir Sharma,
Mr. Rahul Sharma and Mr. Vipin
Sharma, Advocates.

versus
DEEV GENSET SALES AND SERVICES & ORS. Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
28.05.2024

I.A. 30559/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

CS(COMM) 446/2024

By way of the present suit, the plaintiff seeks a money decree in the sum of Rs.6,24,37,378/- alongwith interest and costs against the defendants in relation to certain works undertaken by the plaintiff for the Indian Railways under various tenders/letters of acceptance.

2. At the outset, upon being queried, Mr. Vivek Srivastava, learned counsel appearing for the plaintiff clarifies that though the name of the plaintiff is the same as that of defendant No.1, these are two separate entities. Counsel explains, that the plaintiff is a registered partnership firm which is engaged in providing maintenance services to the Indian Railways, whereas defendant No.1 is an unregistered



firm (with the same name as the plaintiff but with different partners) that is engaged in providing supplies to the Indian Railways. Counsel explains that the plaintiff and defendant No.1 have separate vendor codes in their dealings with the Indian Railways.

3. Upon being queried, counsel also explains that there is other litigation, *inter-alia* CS (COMM.)No. 668/2021 titled *M/s Deev Genset Sales and Services vs. Sanjay Mehta and Ors.*, pending before a Co-ordinate Bench of this court, filed against the plaintiff alleging passing-off of the name of defendant No.1; and the plaintiff is resisting the claims made in those proceedings.
4. Pre-litigation mediation report dated 12.03.2024 has been placed on record, which records that mediation has ended as a 'Non-Starter'.
5. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
6. Issue summons in the suit.
7. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
8. Let the summons indicate that the defendants are required to file written statement(s) to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication(s) to the written statement(s) within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.



9. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 02nd September 2024.
10. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

MAY 28, 2024
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