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

+ **CS(COMM) 497/2024 & I.A.36420/2024**

MS TWENTY FOUR SYSTEMS PVT LTDPlaintiff

Through: Ms. Kartika Sharma, Ms. Tanya Aggarwal, Mr. Arjun Mitra and Ms. Akshaya Jebakumar, Advs.

versus

IDRESS AHAMADDefendant

Through: Mr. Raj Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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27.08.2024

CS(COMM) 497/2024 and I.A. 31289/2024 (under Order XXXIX Rules 1 and 2 CPC seeking ex parte ad interim temporary injunction against defendant)

1. The learned counsel for the defendant submits that the written statement has already been filed vide Diary No.3227223/2024 on 22.08.2024. He further submits that he does not wish to file a separate reply to an application under Order XXXIX Rules 1 and 2 CPC and the written statement may be treated as reply to the said application as well. The statement is taken on record.

2. List before the learned Joint Registrar for completion of pleadings, admission/denial of documents and marking of exhibits on 05.11.2024.

I.A.31290/2024 (under Order XXVI Rule 9 read with Section 151 CPC seeking appointment of Local Commissioner)

3. The present application has been filed by the plaintiff seeking



appointment of a Local Commissioner.

4. It is the contention of the plaintiff that contrary to the terms of his employment including a Non-Disclosure Agreement dated 01.04.2018, the defendant has disseminated confidential information, trade secrets, business plans and data relating to the plaintiff's business to third parties.

5. He submits that the *modus operandi* resorted to by the defendant was that the confidential information was first transferred by the defendant to his personal email ID and thereafter, transferred to the third parties.

6. He submits that Local Commissioner may be appointed by this Court to examine the email ID of the defendant for the purpose of ascertaining as to what confidential information/data pertaining to the plaintiff has been passed on by the defendant to third parties using his email ID.

7. The prayer is not opposed by the learned counsel for the defendant.

8. In view of the above, Ms. Muskan Narang, Advocate (Mob. No. 9971901184) is appointed as a Local Commissioner to access the email ID bearing address 'idrees.ahamad@gmail.com' of the defendant for the purpose of ascertaining as to what data of plaintiff has been transferred by the defendant to the third parties using his aforesaid email ID.

9. The fee of the Local Commissioner, to be borne by the plaintiff, is fixed at INR 50,000/-which shall be paid in advance.

10. The defendant is directed to bring his laptop to the Delhi High Court premises at Bar Consultation Room on 29.08.2024 at 11:00 a.m. and he shall provide access to the learned Local Commissioner of his email to enable her to examine the same for the purpose as aforesaid.

11. The learned Local Commissioner shall be assisted by an authorised representative of the plaintiff company, as well as, by the defendant.



12. After executing the commission, let report be filed by the learned Local Commissioner within a period of four weeks.
13. The application stands disposed of.

AUGUST 27, 2024/dss

VIKAS MAHAJAN, J