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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 573/2021

RXPRISM HEALTH SYSTEMS PRIVATE LIMITED

& ANR.

.....Plaintiffs

Through: Ms. Swati Sukumar, Sr. Adv. with
Mr. Ritik Raghuvanshi, Mr. Shamik
Saha, Mr. K. Ranjan, Mr. Rishabh
Aggarwal, Advs.

versus

CANVA PTY LTD & ORS.

.....Defendants

Through: Mr. Sai Krishna Rajagopal, Mr.
Victor Vaibhav Tandon, Ms. Shruti
Jain and Mr. Ayush Saxena, Advs.
for defendants.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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08.04.2025

I.A. 9249/2025 (Order XXXIX Rule 2A CPC)

1. By virtue of the present application under *Order XXXIX Rule 2A* read with *Section 151* of the Code of Civil Procedure, 1908, the plaintiffs seek the following reliefs:-

“a. Direct the proposed Defendant No. 5, CBSE, through the Secretary, to appear before this Hon’ble Court and provide an explanation for the non-compliance with the orders dated 18.07.2023 and 24.04.2024.

b. Direct Defendant Nos. 1 to 4 to appear before this Hon’ble Court and provide an explanation for their deliberate and willful non-compliance with the order dated 18.07.2023 and 24.04.2024.

c. Impose exemplary costs and penalties on the Defendants for their deliberate and willful non-compliance with the orders dated 18.07.2023 and 24.04.2024, which have



caused irreparable harm to the Plaintiffs.

d. Impose exemplary costs and penalties on the proposed Defendant No. 5, CBSE, for deliberate and willful collusion with the Defendants, which resulted in non-compliance with the orders dated 18.07.2023 and 24.04.2024, thereby causing irreparable harm to the Plaintiffs.

e. Direct the proposed Defendant No. 5, CBSE, to submit a written explanation detailing the steps and actions taken against Defendant Nos. 1 to 4 for suppressing material information regarding the injunction order dated 18.07.2023, which led to the noncompliance with the order dated 24.04.2024.”

2. Interestingly, the present application is primarily premised on the basis of the facts related to the proposed defendant no.5, Central Board of Secondary Education, who, according to the plaintiffs herein is a necessary and proper party and for impleading whom the very same plaintiffs have also filed an application bearing no. I.A.39929/2024 way back on 13.09.2024, which is still pending adjudication before this Court. The plaintiffs are, further, also referring and relying upon the copy of the e-mail dated 24.05.2024 filed by the said proposed defendant no.5 way back on 16.12.2024. Also, as per the learned counsel for the defendants, there are already two other similar applications under *Order XXXIX Rule 2A* read with *Section 151* of the Code of Civil Procedure, 1908 which are also pending adjudication before this Court.

3. In view thereof, list on 26.05.2025, the date already fixed.

SAURABH BANERJEE, J.

APRIL 8, 2025/bh