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

+ RFA(OS)(COMM) 6/2022, CM APPL. 42498/2022, CM APPL. 42499/2022, CM APPL. 42500/2022 & CM APPL. 42501/2022
YOGESH PATEL & ORS. Appellants

Through: Mr. Abhimanyu Tewari, Ms. Dilmrig
Nayani and Mr. Tushar Bathija,
advocates.

versus

SHOLAY MEDIA AND
ENTERTAINMENT PVT LTD & ORS. Respondents

Through: Mr. Pravin Anand, Mr. Dhruv
Anand, Ms. Udit Patro, Ms. Swati
Jain and Ms. Nimrat Singh,
advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **27.09.2022**

1. The appellant has filed the present intra court appeal impugning an order dated 09.05.2022, whereby the learned Single Judge awarded a sum of ₹ 25 lakhs as cost and damages in favour of the respondent (plaintiff). The said amount was directed to be paid within a period of three months.
2. The appellant has failed to pay the said amount as yet.
3. The appellant is directed to deposit the said amount in Court within a period of two weeks from today.
4. It seems from the record that the impugned order dated 09.05.2022 was passed *ex-parte*. The appellant had failed to join the proceedings on

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several dates.

5. There is some controversy whether the appellants have residence in India or not. While the memo of parties indicates an address in India, the affidavit indicates that the appellant no. 1 is a resident of New Jersey, USA.

6. This Court is of the view that it would be apposite to direct the appellants to secure the respondents regarding costs of the present proceedings.

7. The appellants are directed to deposit a sum of ₹5 lakhs towards securing the respondents for the cost of proceedings with the Registry of this Court, within the aforesaid period of two weeks. This Court considers the same to be necessary as the appellants may not be residents of India.

8. List on 31.10.2022.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

SEPTEMBER 27, 2022
“hemant”