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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 271/2018

SOCIETE DES PRODUITS NESTLE,S.A & ANR

.....Plaintiff

Through: Mr. Manish Kumar Mishra,
Ms. Akansha Singh, Ms.
Shruti Manchanda & Ms.
Saloni Kasliwal, Advs.
(akansha@inttladvocare.com)

versus

MOHD ZAHID AND SONS & ORS

.....Defendant

Through: None.

CORAM:

**SIDHARTH MATHUR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

29.10.2024

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List the matter for the purpose fixed on the date already
fixed i.e. **22.01.2025**.

**IA No. 43801/2024 (u/s 151 CPC seeking permission of Ld.
Joint Registrar for conducting Local Commission)**

The plaintiffs, while relying on the order dated 15.12.2023 &
order dated 23.01.2024 (*specifically as regards the IA No.
1739/24*), are seeking to execute a local commission at the
premises of “*an unknown manufacturing unit*”, which is allegedly
engaged in the manufacture and distribution of counterfeit Nescafe
coffee and is operating from “*Opposite House No. 468, Shahbad
Daulatpur Village, District North West, Delhi-110042*”. The
plaintiffs have claimed that these activities of the aforesaid



unknown unit have come to the notice through their investigator, whose report with the affidavit of the plaintiffs in support thereof are annexed with this application.

In view of the directions dated 15.12.2023, the Hon'ble Court had granted liberty to the Joint Registrar to order local commissions in this case on the moving of an appropriate application by the plaintiffs and also to subsequently implead the concerned infringers.

Having gone through the contents of this application, and the affidavit of the plaintiffs, the application is allowed. The plaintiffs shall be at liberty to execute the local commission in terms of the order dated 15.12.2023. The application is accordingly allowed.

Vide order dated 15.12.2023, the Hon'ble Court had further observed that the parties against whom local commissions were successfully executed shall also be impleaded as defendants in this suit. Hence it is ordered that if the present local commission is successfully conducted, the aforesaid "unknown manufacturing unit" shall be deemed impleaded as an additional defendant. The plaintiffs shall thereafter file the amended memo of parties incorporating the relevant details of the deemed defendant impleaded in pursuance of this order within two weeks of the execution of the local commission.

The registry is directed not to upload this order till the report of the aforesaid local commission is filed.

Order Dasti under the signatures of the Court Master.

**SIDHARTH MATHUR (DHJS)
JOINT REGISTRAR (JUDICIAL)
OCTOBER 29, 2024/jr**

[Click here to check corrigendum, if any](#)