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

+ **CS(COMM) 502/2019**

MALABAR GOLD PRIVATE LIMITED Plaintiff

Through: Mr. Akhil Sibal, Senior Advocate
with Mr. Bishwajit Dubey,
Ms. Surabhi Khattar, Ms. Shriya
Misra & Mr. Prafful Goyal,
Advocates.

versus

MANUVEL MEZHUKANAL Defendant

Through: Mr. Ashish Dholakia, Mr. Jaimon
Andrews, Mr. Akash Panwar,
Ms. Piyo Harold Jaimon &
Mr. Gautam Bajaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **06.02.2020**

**I.A. 18324/2019 (Application on behalf of plaintiff for amendment of
plaint)**

1. This is an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 ["CPC"] for amendment of the plaint. The plaintiff wishes to incorporate averments with regard to the registration of the defendant's trademark "MINSARA" which was registered on 19.10.2019, during the pendency of the suit.
2. It is apparent that the amendment sought relates to events which have occurred during the pendency of the suit, and would also enable

complete adjudication of the disputes between the parties. Learned counsel for the defendant also has no objection to the amendment being allowed. Consequently, the application is allowed.

3. The application stands disposed of.

I.A. 172/2020 (Condonation of Delay)

1. Issue notice. Mr. Ashish Dholakia, learned counsel for the defendant, accepts notice and has no objection to the application being taken on board for disposal.

2. This is an application for condonation of delay of 27 days in filing the replication. With the consent of the parties, and for the reasons stated in the application, the delay is condoned.

3. The application stands disposed of.

I.A. 488/2020 (Application for taking on record the pen drive and CD)

1. For the reasons stated in the application, permission to place on record a CD, alongwith the rejoinder to I.A. 14663/2019, is granted.

2. The application stands disposed of.

I.A. 493/2020 (Condonation of delay)

1. Issue notice. Mr. Ashish Dholakia, learned counsel for the defendant, accepts notice and has no objection to the application being taken on board for disposal.

2. This is an application for condonation of delay of 77 days in filing of the rejoinder to the application of the plaintiff under Order XXXIX Rules 1 and 2 of the CPC. Issue notice.

3. With the consent of the parties, and for the reasons stated in the application, the delay is condoned.

4. The application stands disposed of.

I.A. 494/2020 (Application on behalf of the plaintiff under Order XXXIX Rule 2A of the CPC)

Issue notice. Mr. Ashish Dholakia, learned counsel for the defendant, accepts notice. Reply to the application be filed within two weeks. Rejoinder, if any, be filed within two weeks thereafter.

List on 17.03.2020.

CS(COMM) 502/2019, I.A. 12667/2019, I.A. 14663/2019, I.A. 14666/2019, & I.A. 16338/2019

1. The amended plaint be filed within one week. The amended written statement and affidavit of admission/denial of any documents filed by the plaintiff pursuant to the amendment of the plaint, may be filed within 30 days thereafter. The replication to the amended written statement and affidavit of admission/denial of documents filed by the defendant may be filed within 15 days thereafter.
2. List before the Joint Registrar for completion of pleadings, admission/denial of documents and marking of exhibits on 30.03.2020.
3. List before the Court on 17.03.2020.
4. It is made clear that none of the applications will be treated as part-heard.

PRATEEK JALAN, J

FEBRUARY 06, 2020

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