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

+ **CS(COMM) 549/2024 & I.A. 2678/2025**

ADITYA BIRLA NUVO LIMITED

.....Plaintiff

Through: Mr. Chirag Ahluwalia, Adv.
M: 9369857033

versus

TREND AND ANR

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **31.01.2025**

I.A. 2678/2025

1. Learned counsel appearing for the plaintiff by way of the present application submits that summons be issued to defendant no. 3 on the ground that defendant no. 3 was impleaded vide order dated 07th January, 2015 passed by the Court of Additional District Judge-03, Majeri, Kerala, in I.A. 1302/2013 vide order dated 07th January, 2015. For this purpose, learned counsel appearing for the plaintiff has drawn the attention of this Court to the judgment dated 07th January, 2020 passed by the said Court, wherein, in the Memo of Parties, defendant no. 3 is also reflected.

2. The Memo of Parties, as given in the judgment dated 07th January, 2020, passed by the learned Additional District Judge, Manjeri, Kerala, is reproduced as under:



IN THE COURT OF THE ADDL. DISTRICT JUDGE-III, MANJERI
Present:- Smt. Mrudula A.V., LL.B., Addl. District Judge-III.

Tuesday, the 7th day of January, 2020
the 17th day of Pousham, 1941

ORIGINAL SUIT No . 4/2012

Between:-

Aditya Birla Fashion and Retail Ltd., a company incorporated under the Companies Act, 1956, having its divisional office at Regent Gateway, Plot No.5B, ITPL Road, KIADB Industrial Area, Doddanakundi Village, Bangalore – 560 048, Karnataka, duly represented by its authorized representative Jitesh Nambiar, Asst. Manager, Corporate, Legal, S/o M.B.Nambiar, 35 years, Aditya Birla Nuvo Limited, Madura Fashion and Lifestyle Division, Bangalore. (Name of the plaintiff amended as per order in IA 949/2017 dated 04-10-2017)

Plaintiff

And:-

1. Trend, The complete Fashion shop, Main Road, Kottakkal, Malappuram - 676 503, Kerala, represented by its proprietor.
2. R.S Sales Corporation, Rep. By its proprietor Mr. Lal Singh Verma, having office at 101, Shri Ram Plaza, Shoe Complex, Hing Ki Mandi, Agra (Uttar Pradesh)

Defendants

Supplemental :

3. Evergreen Associates, Door No. 39/4269, Manikkiri Cross road, Ernakulam, Cochin - 682 016
(Suppl. D3 is impleaded as per order in IA 1301/2013 and amended as per order in IA 1302/2013 dt. 07-01-2015)

3. Attention of this Court has also been drawn to paragraph 3 of the aforesaid judgment, which reads as under:

“xxx xxx xxx

3. Originally there were only two defendants in the suit. Supplemental defendant No. 3 was subsequently impleaded as per order in, I.A.1301/2013 dated 07.01.2015.

xxx xxx xxx”

4. Perusal of the aforesaid shows, that defendant no. 3 was impleaded vide order dated 07th January, 2015.



5. Though order dated 07th January, 2015 is not on record, considering the submissions made before this Court, issue summons to defendant no. 3 through all modes, including, through *dasti*, E-mail and courier.
6. However, the plaintiff is directed to file copy of the order dated 07th January, 2015 passed in *I.A. 1301/2013* by the learned Additional District Judge, Manjeri, Kerala.
7. Accordingly, amended Memo of Parties filed along with the present application, is taken on record.
8. The Registry of this Court is directed to place the amended Memo of Parties, taken on record today, in the Pleading Folder.
9. With the aforesaid directions, the present application is disposed of.

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10. None appears for defendant nos. 1 and 2, despite service.
11. Learned counsel appearing for the plaintiff submits that *RFA (OS)(COMM) 35/2019* is listed before the Division Bench on 07th February, 2025.
12. He submits that he may be allowed to serve notice on the counsels appearing for defendant nos. 1 and 2 in the said appeal. Liberty is granted.
13. Accordingly, issue fresh summons to defendant nos. 1 and 2 to be served *dasti* through the counsels for the defendants during the course of hearing, before the Division Bench in *RFA(OS)(COMM) 35/2019*.
14. Re-notify on 08th April, 2025.

MINI PUSHKARNA, J

JANUARY 31, 2025/kr