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

+ **CS(COMM) 350/2018**

AVIAT HEALTH CARE PVT. LTD. ANR..... Plaintiffs

Through: Mr. Manish Kr. Mishra, Adv.

versus

MAGNA LABORATORIES AND ANR. Defendants

Through: Ms. Shivika Chaudhary, adv.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% 05.09.2018

**IA No. 11911/2018 under Order XXII Rule 10 r/w Section 151
CPC filed by applicant USV Pvt Ltd for its
impleadment/substitution as plaintiff No.1)**

Notice of IA accepted by counsel for defendants, who has no objection, if application of applicant is allowed and applicant is impleaded/substituted as plaintiff No.1 in the case.

Plaintiff No.1 is reported to have been amalgamated with applicant as recorded vide order dated 07.02.2018 passed by NCLT Mumbai approving the Scheme of Amalgamation passed by the Board of Directors of Amalgamating Companies. By virtue of said amalgamation, rights in the trademark MVI that vested in Plaintiff No.1 together with the goodwill of the business associated therein have been transferred to the applicant. Copy of order dated 07.02.2018 alongwith Scheme of Amalgamation filed alongwith the



application.

For the reasons stated above and the facts disclosed in the application, instant application filed by applicant is hereby allowed. Applicant is permitted to be substituted as plaintiff No.1 in the case. Amended Memo of Parties filed alongwith the IA is directed to be taken on record.

IA stands disposed of.

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Let Amended Plaint, if any be filed by plaintiff within two weeks with advance copy to counsel for defendants, who may file amended written statement, if required within two weeks thereafter.

Renotify on 19.12.2018.

**SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

SEPTEMBER 05, 2018

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