



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 558/2019 & I.A. No. 13749/2019 (under Order XXXIX Rule 2A read with Section 151 of CPC seeking interim injunction)**

BRIDGESTONE CORPORATION Plaintiff

Through: Mr. Pravin Anand, Ms. Udit Patro
and Ms. Nimrat Singh, Advocates.

versus

MR. JASPAL SINGH & ORS. Defendants

Through: Mr. Syed Mohd. Miyan, Advocate for
D-3.
Mr. Maroof Ahmad, Advocate for D-
4.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **23.01.2023**

I.A. No. 19393/2022 (under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 ["CPC"] on behalf of the Plaintiff or impleadment of Defendant No. 4) and
I.A. No. 19394/2022 (under Order VI Rule 17 read with Section 151 of CPC for amendment of plaint)

1. Vide order dated 30th September, 2019, an *ex-parte ad-interim* injunction was granted in favour of the Plaintiff and against Defendants restraining them, till further orders, from using the “mark/ label



or any other mark or label similar or deceptively similar to mark BRIDGESTONE or device or label BRIDGESTONE of the plaintiff”. This injunction continues to operate till date.



2. Parties had been referred to mediation *vide* order dated 27th September, 2022, which is underway and next meeting is scheduled for tomorrow. In the meantime, Plaintiff learnt about Mr. Zaidi, suspected of being connected to the manufacturing and printing of packaging for counterfeit products that bear Plaintiff's impugned mark. **I.A. No. 19393/2022** seeks impleadment as Defendant No. 4.

3. Mr. Maroof Ahmad, Advocate, appears on behalf of Mr. Zaidi, and states that he wishes to participate in the mediation proceedings.

4. **I.A. No. 19394/2022** under Order VI Rule 17 of CPC seeks amendment to the Complaint *vis-a-vis* Mr. Zaidi. The proposed amendments are formal and suit is at an initial stage. The law settled by way of judicial pronouncements of the Supreme Court allows amendment of pleadings unless a new cause of action or withdrawal of admission is sought. The proposed amendments do not fall under the exceptions. The Court is thus inclined to allow the applications.

5. **I.A. No. 19393/2022** is allowed and Mr. Zaidi is impleaded as Defendant No. 4. Amended memo of parties, filed along with the said application, is taken on record. Amended Complaint filed along with **I.A. No. 19394/2022** is also taken on record. Defendant No. 4 is permitted to file a written statement to same, within a period of 30 days from today.

6. As requested, Mr. Maroof Ahmad is also referred to ongoing mediation.

7. The above-captioned applications stand disposed of in the fore-going terms.

CS(COMM) 558/2019 & I.A. Nos. 13750/2019 (under Order XI Rule 1, 3 & 5 of CPC seeking discovery, production and inspection of Defendants'



documents) & 16044/2019 (under Order XXXIX Rule 2A read with Section 151 of CPC seeking initiation of contempt proceedings)

8. Re-notify on 17th May, 2023.

SANJEEV NARULA, J

JANUARY 23, 2023/as