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

+ **CS(COMM) 605/2024, I.A. 35294/2024 & I.A. 35295/2024**

CONDOR FOOTWEAR (INDIA) LIMITED & ANR.Plaintiffs

Through: Mr. Manish Biala, Adv.
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Email: manish@anandandanand.com

versus

**NEXGEN FOOTWEAR PRIVATE LIMITED
& ORS.**

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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02.08.2024

I.A. 35295/2024 (Application seeking exemption from advance service to defendants)

1. Since urgent relief is being prayed for, and the matter is being heard today, plaintiff is exempted from serving advance notice on the defendants, herein.

2. For the reasons stated in the application, the same is allowed and disposed of.

I.A. 35294/2024

3. The present application has been filed on behalf of the plaintiffs under Section 151 of Code of Civil Procedure ("CPC"), 1908.

4. Learned counsel appearing for the plaintiffs submits that at the time of filing the present suit, the plaintiffs had also filed an application for appointment of a Local Commissioner to visit the premises of the defendants and conduct search for the impugned goods, seize the same and hand over



the seized goods to the defendants on *superdari* within a period of two weeks, of the order.

5. It is submitted that now it has come to the notice of the plaintiffs that the information about the present suit and order dated 24th July, 2024, has somehow reached the defendants and they have removed all the impugned goods from the premises to some undisclosed location. Therefore, by way of the present application, it is submitted that in view of the act of the defendants, the execution of the Local Commission at the known premises of the defendants has been rendered infructuous. Thus, it is submitted that no fruitful purpose will be served by executing the Local Commission at the premises of the defendants, as the defendants have already shifted the impugned goods to an undisclosed location.

6. Learned counsel appearing for the plaintiffs submits that they are trying to investigate the matter and shall file an appropriate application in due course.

7. Considering the aforesaid, it is directed that the Local Commission ordered to be executed vide order dated 24th July, 2024, shall stand cancelled. Further, the Local Commissioner, appointed vide the aforesaid order dated 24th July, 2024, also stands discharged. Thus, paragraphs 44 to 47 of the order dated 24th July, 2024, shall not be complied with.

8. With the aforesaid directions, the present application is disposed of.

MINI PUSHKARNA, J

AUGUST 2, 2024/kr