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

+ **CS(COMM) 710/2024 & I.A. 37193/2024-Order XXVI,R- 9 CPC**

EVEX AUTO INDIA PRIVATE LIMITED & ANR.Plaintiffs

Through: **Ms. Shilpi Mehta Nanda and Ms.
Swati Chanana, Advocates**

versus

CHANDER PARKASH SHARMA & ORS.Defendants

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% 23.08.2024

I.A. 37197/2024(Exp)

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

I.A. 37195/2024(Addl. Doc)

3. The present application has been filed on behalf of the plaintiffs under Order 11 Rule 1(4) of the Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015 seeking to place on record additional documents, within thirty days.

4. The plaintiffs will be at liberty to file additional documents within thirty days, *albeit*, strictly as per the provisions of the Commercial Courts Act, 2015 and Delhi High Court (Original Side) Rules, 2018..

5. Accordingly, the present application is disposed of.

I.A. 37194/2024(Exp from pre institution mediation)

6. The plaintiffs seek exemption from instituting pre-litigation

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mediation.

7. Considering the averments made in the present application wherein the plaintiffs seek urgent ad-interim relief and in view of ***Yamini Manohar vs. T.K.D. Krithi*** 2023 SCC OnLine 1382 and ***Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited***. 2022:DHC:4454-DB, the plaintiffs are exempted from instituting pre-litigation mediation.

8. Accordingly, the present application is allowed and disposed of.

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9. By way of the present suit, plaintiffs seek suit for permanent injunction, restraining infringement, passing off of trademarks and copyright, unfair competition and accounts for profits, delivery up and rendition of accounts and damages.

10. Let the plaint be registered as a suit.

11. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes including *dasti*, returnable before the Joint Registrar on 11.11.2024.

12. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

13. Replication(s) thereto, if any, be filed by the plaintiffs within a period of *fifteen days* from the date of receipt of written statement(s). The said replication, if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of



fifteen days.

14. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

15. List before the Joint Registrar for completion of pleadings on 11.11.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

16. List before the Court on 19.12.2024.

I.A. 37192/2024(Stay)

17. Vide the present application, the plaintiffs are seeking interim injunction against defendants from infringing the trademarks of the plaintiffs.

18. Considering that nature of the disputes involved, especially since the parties are embroiled in various litigations before different forums, upon filing process issue notice to defendants through all permissible modes, returnable before the Joint Registrar on 11.11.2024

19. Reply, if any, be filed within thirty days thereafter. Rejoinder thereto, if any, be filed within fifteen days thereafter.

20. List before the Court on 19.12.2024

I.A. 37196/2024(Exp from advance service on defendants)

21. The plaintiffs seek exemption from advance service on the defendants.

22. Learned counsel for the plaintiffs submit that considering the position involved, particularly since appointment of Local Commissioner(s) for search and seizure at the premises of defendants is being sought, there is a likelihood that the apprehensions of the plaintiffs will become a reality in case advance service is affected and therefore, an



exemption from effecting advance service is necessary.

23. However, in view of the order passed in I.A. 37192/2024 by this Court today, the present application has become infructuous.

24. The application is dismissed of as infructuous.

SAURABH BANERJEE, J

AUGUST 23, 2024/So