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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 710/2024 & I.A. 37192/2024, I.A. 37193/2024,**
I.A. 47366/2024

EVEX AUTO INDIA PRIVATE LIMITED & ANR.Plaintiffs

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

versus

CHANDER PARKASH SHARMA & ORS.Defendants

Through: Mr. Gautam Gupta and Mr. Uzair
Elahi, Advocates for D-1.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% 19.12.2024

I.A. 47366/2024 (filed by D-1 u/S 10 CPC)

1. This application has been filed on behalf of the defendant no.1 under Section 10 of the Code of Civil Procedure, 1908 seeking stay of the present suit in view of the defendants having filed an earlier suit being **CS 84/2024** pending in the Court of Sh. Satyabrata Panda, District Judge-04, Patiala House Court, New Delhi.
2. Reply to the present application has been filed on behalf of the plaintiff stating that the present suit has been filed for infringement of the plaintiffs' marks and passing off and the subject matter of the present suit is different from the aforesaid suit filed by the defendant no.1.
3. Be that as it may, I am of the view that since the earlier suit is also between the same parties, in exercise of powers under Rule 26 of the



Intellectual Property Division Rules, 2022 (hereinafter referred to as 'IPD Rules') the aforesaid suit should be transferred to this Court to be tried with the present suit.

4. Relying upon Rule 26 of the IPD Rules, the Coordinate Bench of this Court in **Jumeirah Beach Resort** [CS (COMM) 124/2021] observed that the intent and purpose of Rule 26 of the IPD Rules is obviously to ensure that proceeding(s) relating to the same or related IPR subject matters are heard together and that, if any such proceeding(s) are pending before the Intellectual Property Division of this Court, all connected and related proceedings should also be taken up by it.

5. Therefore, in terms of the directions passed in **Jumeirah Beach Resort** (supra), the Registry, Patiala House Court, New Delhi is directed to transmit to the Registry of this Court, the complete physical records of **CS 84/2024** filed by the defendant no.1 against the plaintiffs, within a period of six weeks from today. On the physical files being received, the Registry would scan the files, convert them into electronic files and register and number the case. Registry shall also provide electronic copies of the records of the said suit to the counsels for the parties.

6. List the transferred suit **CS 84/2024** along with the present suit on 17th March, 2025.

7. Application stands disposed of accordingly.

CS(COMM) 710/2024 with I.A. 37192/2024 (under Order XXXIX Rules 1 and 2 CPC)

8. Written statement stated to have been filed on behalf of the defendant no.1.

8.1 However, the same is not on record.



9. Counsel shall take steps to ensure that the written statement is brought on record by the next date of hearing.
10. To be noted, the delay in filing the written statement was condoned by the Joint Registrar on 3rd December, 2024.
11. List the suit along with the pending application on 17th March, 2025.

AMIT BANSAL, J

DECEMBER 19, 2024

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