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

+ **CS(COMM) 635/2023**

KAPLAN, INC.

.... Plaintiff

Through: Ms. Rima Majumdar, Bindra
Rana, Gaurav Goswami,
Advocates

versus

GALAXY BOOK CENTRE & ORS.

..... Defendant

Through: Mr. Ravi Kant Srivastav,
Advocate for D-3 to 6.

Mr. Sarthak Sharma (VC),
Ms. Kangan Roda, Advocates
for D-2.

Mr. Aditya Gupta, Mr. Sauhard
Alung, Advocates for D-10.

Ms. Ameer Rana, Mr. Vishesh
Sharma, Ms. Prasadhi Agrawal
(VC), Advocates for D-11.

Mr. Manikya Khanna,
Ms. Kavya Singh (VC),
Advocates for D-13/Just Dial.

Mr. Nipun Katyal, Ms. Kismat
Chauhan, Advocates for D-9.

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)

ORDER
14.03.2024

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I.A. No. 4455/2024 filed on behalf of defendant no. 10 for its
deletion.

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I.A. No. 715/2024 filed on behalf of defendant no. 13 for its deletion.

Ld. Counsel for the plaintiff submits that there is no opposition to the present applications being allowed in terms of order dated 10.01.2024 passed by the Hon'ble Court vide which defendant no. 12 India Mart was deleted. The said order is reproduced as under :-

“ 2. Counsel for plaintiff has no objection to the same, subject to liberty being granted to the plaintiff to communicate to India Mart in case any infringing listings relatable to defendants nos. 1 to 9 are made available by them.

3. In view of the same, the application is allowed. Defendant No. 12 be deleted from the array of parties. Liberty as sought by the plaintiff is granted.

4. It is made clear that, in the event any such communication is addressed to defendant No. 12 in relation to any future infringing listings, defendant No. 12 shall be at liberty to communicate, with reasons, a response to the plaintiff in case they do not agree to take down such infringing listings. In that event, the plaintiff will be entitled to approach this Court with an appropriate application seeking any directions if so desired.”

The present applications are thus allowed in terms of the above order of the Hon'ble Court. Both the IA's stand disposed off accordingly.

Amended memo be filed.

I.A. No. 4453/2024 filed on behalf of defendant no. 3 to 6 for seeking condonation of delay of 85 days in filing the written



statement and affidavit of admission and denial of documents.

Issue notice. Notice accepted by the ld. Counsel for the plaintiff.

Ld. Counsel for the plaintiff prays for some time to file the reply. Let the reply be filed within four weeks, with an advance copy to ld. Counsel for defendant. Rejoinder, if any, be filed within two weeks of receiving a copy of the reply.

Re-notify on the next date of hearing.

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Ld. Counsel for defendant no. 9 submits that she does not wish to file any written statement.

Written statement and reply to plaintiff's application under Order 39 Rule 1 & 2 CPC, on behalf of defendant no. 11 is on record.

Put up for completion of pleadings on 30.04.2024.

**Dr. AJAY GULATI (DHJS),
JOINT REGISTRAR (JUDICIAL)**

MARCH 14, 2024/sk

Click here to check corrigendum, if any