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

+ **CS(COMM) 834/2023**

UPAKARMA AYURVEDA PRIVATE LIMITEDPlaintiff

Through: Mr. Amandeep Singh and Ms.
Pranjal, Advocates

versus

RASAYANUM ENTERPRISESDefendant

Through: Mr. Anil Goel and Mr. Aditya Goel,
Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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09.09.2024

I.A. 32556/2024-O-39,R-2A

1. Learned counsel for the contemnor no.1 submits that reply has already been filed, copy whereof shall be supplied during the course of the day since it has not been received by the learned counsel for the plaintiff.
2. Learned counsel for plaintiff seeks, and is granted two weeks for filing the rejoinder thereto.
3. At this stage, learned counsel for the plaintiff submits that I.A. No. 876/2024 under Order XXXIX Rule 2A CPC has already been disposed of vide order dated 22.03.2024 passed by this Court and it has been wrongly recorded in para 6 of order dated 08.07.2024 that the same is yet to be disposed of.
4. Accordingly, on an oral request made by the learned counsel for the



plaintiff, paragraph no.6 of order dated 08.07.2024 is modified as under:-

“6. Interestingly, a perusal of the records reveal that the plaintiff herein had earlier filed a similar application being IA No. 876/2024 under Order XXXIX rule 2A CPC against the very same contemnors, which has already been disposed of vide order dated 22.03.2024.”

5. Needless to mention, the order dated 08.07.2024 shall be read in conjunction with the present order.

6. Learned counsel for the contemnor no.1 submits that when the appeal FAO (OS)(COMM) 80/2024 from the order dated 22.03.2024 was listed before the Division Bench on 06.09.2024, learned counsel for the plaintiff made a categorical statement with respect to not proceeding with the present application for a period of four weeks.

7. Learned counsel for the plaintiff, present in Court, does not dispute the same.

8. Accordingly, renotify on 06.12.2024.

SAURABH BANERJEE, J

SEPTEMBER 9, 2024/akr