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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 595/2023, I.A. 16298/2023, I.A. 17752/2023, I.A. 19849/2023 & I.A. 31115/2025

ASHISH PADIA

.....Plaintiff

Through: Ms. Aparna Jain, Adv. (through vc)
versus

VARUN FOILS LTD

.....Defendant

Through: Mr. Neel Mason, Ms. Yogita Rathore
and Ms. Sruti Chandran, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **11.12.2025**

I.A. 31115/2025 (seeking condonation of delay)

1. This is an application under section 151 of the Code of Civil Procedure, 1908['CPC'] filed on behalf of M/S Varun Udyog seeking condonation of delay of 23 days in filing the affidavit in compliance with the order dated 30.10.2025.
2. For the reasons stated in the application, the delay of 23 days in filing the affidavit dated 08.12.2025 is condoned.
3. The affidavit is directed to be placed on record.
4. The application is disposed of.

I.A. 19849/2023 (seeking amendment of plaint)

5. This is an application under Order VI Rule 17 CPC filed by the plaintiff seeking amendment of the plaint.
6. Learned counsel appearing on behalf of defendant no. 1 and Mr. Arun Kumar Sharma states that he has no objection to the application only being allowed, without prejudice to defendant's rights and contentions, to take all



its defences by way of the amended written statement and/or additional pleading.

7. The amended plaint is taken on record. The rights and contentions of defendant and Mr. Arun Kumar Sharma are kept open.

8. Defendant no. 1 is at liberty to file an additional pleading responding to the amended paragraphs of the plaint within a period of thirty (30) days, failing which the liberty shall stand exhausted.

9. The application is allowed.

I.A. 17752/2023 (seeking rejection of plaint)

10. This is an application under Order VII Rule 11 CPC filed by the defendant for rejection of plaint.

11. Learned counsel appearing on behalf of defendant no. 1 seeks liberty to withdraw this application and file an appropriate application for seeking deletion of defendant no. 1.

12. The application is dismissed as withdrawn with liberty reserved.

13. It is however, clarified that the application as and when filed, will be decided on its own merits and in accordance with law.

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14. Learned counsel appearing on behalf of the defendant and in addition, Mr. Arun Kumar Sharma, proprietor of M/s Varun Udyog states that Mr. Mr. Arun Kumar Sharma, proprietor of M/s Varun Udyog be impleaded as defendant no. 2.

15. He states that Mr. Arun Kumar Sharma, proprietor of M/s Varun Udyog confirms that the products enlisted at paragraph '19' of the plaint, at Sl. nos. 1 to 7, were offered for sale by the defendant no. 2.

16. He states that the defendant no. 2 is unable to give instructions with



respect to the designs enlisted at Sl. nos. 8 and 9 at paragraph '19' of the plaint and seeks liberty to place his stand on record by way of a written statement.

17. Learned counsel for the plaintiff states that she has no objection to the impleadment of Mr. Arun Kumar Sharma as defendant no. 2.

18. In view of the aforesaid submissions of the plaintiff and the counsel appearing on behalf of Mr. Arun Kumar Sharma, Mr. Arun Kumar Sharma is impleaded as defendant no. 2.

19. Amended memo of parties be filed within a period of one (1) week.

20. Issue summons.

21. Ms. Yogita Rathore, Advocate accepts summons on behalf of the newly impleaded defendant no. 2.

22. Written statement to amended plaint be filed within thirty (30) days along with affidavit of admission/denial of the documents.

23. Replication thereto be filed within thirty (30) days thereafter.

24. The defendants are exempted from further appearance.

25. List before the learned Joint Registrar (J) for completion of pleadings on **28.01.2026**.

26. List before the Court on **27.03.2026**.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 11, 2025/msh/IB