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

+ **CS(COMM) 974/2024**

M/S DATABRICKS LIMITED

.....Plaintiff

Through: Mr. Anirudh Bakhru and Mr. Vedit
Garg, Advocates.

versus

M/S INDO WINGS PVT LTD. AND ANRDefendants

Through: Mr Pradeep Jain, Mr. Sambhav Jain
and Mr. Pranav Raj Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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22.11.2024

I.A. No. 45958/2024 (by the plaintiff under Order XII Rule 6 read with Section 151 of CPC)

I.A. No. 45959/2024 (by the plaintiff under Order XII Rule 6 read with Order XXXIX Rule 10 read with Section 151 of CPC)

1. The above captioned applications have been filed seeking identical reliefs. By way of these applications, the plaintiff prays for a decree of mandatory injunction against the defendants directing them to hand over the goods in question to the plaintiff.

2. After some arguments, learned counsel appearing on behalf of the parties, on instructions from their respective clients, are *ad idem* with regard to the following arrangement:

- (i) An amount of 25,000/- GBP will be remitted back by the plaintiff to the same account wherefrom the plaintiff had received the



said amount.

(ii) After receiving the aforesaid amount, the defendants will hand over the goods in question to the Local Commissioner to be appointed by this Court.

(iii) The Local Commissioner will send the goods to the laboratory indicated by the plaintiff for ascertaining their present condition. This will be without prejudice to the rights and contentions of the defendants.

(iv) Thereafter, the plaintiff will withdraw the present suit. However, the parties shall be at liberty to subsequently file the suits against each other, if so advised, seeking damages or any other relief.

3. After the payment is remitted, the plaintiff will be at liberty to file an application praying for the appointment of a Local Commissioner.

4. The applications stand disposed of in the above terms.

VIKAS MAHAJAN, J

NOVEMBER 22, 2024

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