

\$~9

\*

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

+

CS(OS) 115/2018

**BHARAT STAR SERVICES PRIVATE LIMITED & ANR**

..... Plaintiff

Through Mr Harsh Makhija, Adv

versus

**HARSH DEO THAKUR & ORS**

..... Defendant

Through Mr Kush Sharma, Adv for D-8.  
Mr Lovleen Goyal, Adv for D-10.  
Mr Rajive R Raj, Adv for D-13.

**CORAM:**

**SH. ANIL KUMAR (DHJS), JOINT REGISTRAR (JUDICIAL)**

**ORDER**

% 21.10.2019

**IA No. 7034/19 (filed by defendant no.10 u/O I R 10 (2) r/w 151 CPC)**

Learned counsel for both the parties argued on the lines of contents of IA.

By way of present IA applicant/defendant no.10 has prayed that its name may be struck out as it has been impleaded improperly.

In the application it has been stated that defendant no.10 has nothing to do with the dispute between plaintiff & defendant no.1 to 6 and it has already complied with order of Hon'ble Court dated 21.03.2018 and the present suit has become infructuous qua answering defendant no.10. I find that plaintiff in present suit has specifically sought decree for prohibitory and mandatory injunction against defendant no.7 to 11. Vide order dated 21.03.2018 Hon'ble Court while issuing summons of the suit, issued interim injunction

qua the defendants including defendant no.10.

In my opinion compliance of interim order cannot be said to have made the suit infructuous against the parties complied the order. Since there is a specific prayer of decree in the suit against the applicant/defendant no.10, hence, he is still proper party to the present suit and its name cannot be struck out. Hence, present IA is dismissed.

**CS(OS) 115/2018**

It is submitted by learned counsel for defendant no.8 that defendant no.8 has been amalgamated with Bank of Baroda and intimation in this regard has already been given to plaintiff.

Learned counsel for plaintiff seeks time for moving appropriate application in view of amalgamation of defendant no.8 with Bank of Baroda.

Let necessary steps be taken.

Matter is adjourned for further proceedings on 29.11.19.

**ANIL KUMAR (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**OCTOBER 21, 2019/gk**

**[Click here to check](#)**

**corrigendum**