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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 1125/2024

M/S SOPARIWALA EXPORTS & ORS.

.....Plaintiff

Through: Ms. Yashi Agrawal, Advocate

versus

3G ENTERPRISES & ANR.

.....Defendant

Through: Ms. Deepti Thapa, Ms. Rashi
Bansal, Advocates

CORAM:

JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER

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22.01.2026

I.A. No. 23936/2025 on behalf of defendant no. 2 for deletion.

1. Defendant no. 1 has sought deletion of defendant no. 2 on the ground that defendant no. 2 is not a juristic / legal person, and hence, cannot be sued. It has been submitted on behalf of the applicant that defendant no. 2 is not a proprietorship as has been set out in the memo / plaint. Defendant no. 2 'Afsar Tobacco', as per the submission advanced, is merely a brand of proprietor of defendant no. 1 i.e. 3G Enterprises, and was advertised by defendant no. 1 on *Facebook* but the entire business activity of defendant no. 1 has since then been shut down.

2. In response, ld. Counsel for the plaintiff highlighted that in addition to Facebook, defendant no. 2 was advertising its goods on *IndiaMart* website also which is the reason that 'Afsar Tobacco' has been impleaded as defendant no. 2. Ld. Counsel for the plaintiff further submitted that if there is unity of identities of defendant nos. 1 & 2, the present application should be withdrawn and a statement can be given before the Hon'ble



Court to this effect. Ld. Counsel further submitted that should defendant no. 2 be deleted, at this stage, plaintiff will have difficulty in enforcing a decree against it.

3. I have carefully considered the rival submissions.

4. The advertisement of 'Afsar Tobacco' on the *Facebook* pages i.e. page 42 of the plaintiff's documents clearly shows that the manufacturers of Afsar Tobacco is 3G Enterprises i.e. defendant no. 1. On the website of IndiaMart however, i.e. plaintiff's document at page 108 no details of manufacturer has been mentioned and infact, alongwith Afsar Tobacco, name of Afsar Pandharpuri Exports, Hyderabad is also mentioned as the contact person. Therefore, plaintiff appears to be correct in entertaining apprehension that *Afsar Tobacco* is being operated as a proprietorship, although by the same proprietor as of defendant no. 1.

5. Written statement has been filed only by defendant no. 1 wherein it has been asserted that defendant no. 2 has been incorrectly impleaded. There is no assertions of it not being a legal person / capable of being sued. The legal status of defendant no. 2 was not specified in the written statement except to contend that it is not a proprietorship concern. This assertion has been raised for the first time in the present application.

6. In view of the above, it is appropriate to retain defendant no. 2 at this stage and any statement in regard to unity of identities of defendant nos. 1 & 2 may be submitted before the Hon'ble Court. As a corollary, the **IA is declined** and disposed off.

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

JANUARY 22, 2026/sk