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

+ CS(COMM) 929/2016

KRBL LTD

..... Plaintiff

Through: Mr. S. K. Bansal, Advocate with
Mr. Ajay Amitabh Suman, Mr.
Kapil Kr. Giri, Advocates

versus

LAL MAHAL LTD AND ANR

..... Defendants

Through: Mr. Mohan Vidhani, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.01.2020**

I.A. 12939/2019 (Application by Defendant No. 1 under Section 151 of the CPC)

1. This is an application by defendant No.1 to bring on record a change in its name. A certificate of incorporation pursuant to change of name, dated 15.06.2019 issued by the Registrar of Companies, Delhi has been placed on record. The certificate states that the name of defendant No.1-company has been changed from "SHRI LAL MAHAL LTD" to "NUTRIONEX MANUFACTURERS LIMITED".

2. In view of the certificate of incorporation dated 15.06.2019, Mr. S. K. Bansal, learned counsel for the plaintiff, has no objection to the application being allowed. Consequently, the application is allowed and the new name of defendant No.1-company is taken on record. The amended memo of parties be filed by learned counsel for defendant No.1 within one week.

3. The application is disposed of.

I.A. 12940/2019 (Application by Defendants under Section 151 of the

CS(COMM) 929/2016

page 1 of 3

CPC)

1. By this application, defendant No.1-company seeks to place on record a Board Resolution dated 03.07.2019 by which Mr. Gian Chand, General Manager (Sales) of defendant No.1-company, has been authorized to lead evidence on behalf of the said defendant in place of Mr. Manish Aggrawal, Regional Manager of defendant No.1-company, who was authorized by an earlier resolution.
2. The list of witnesses filed on behalf of the defendants already includes the name of Mr. Gian Chand and his affidavit of evidence dated 18.07.2019 has also been filed.
3. The defendants also seek to place on record a Board Resolution dated 09.07.2019 of defendant No.3-Vigyat Trade Private Limited authorizing Mr. Mahesh Chander, a director of the said company, to give evidence on its behalf in the present suit.
4. In these circumstances, learned counsel for the plaintiff has no objection to the Board Resolutions being taken on record, subject to proof thereof in accordance with law.
5. It is pointed out that in the affidavit of evidence filed by Mr. Gian Chand (DW-1), the name of defendant No.1-company has been mentioned as "SHRI LAL MAHAL LTD" instead of the new name "NUTRIONEX MANUFACTURERS LIMITED". Although Mr. Mohan Vidhani, learned counsel appearing for defendant No.1, has submitted that DW-1 will file a fresh affidavit of evidence reflecting the new name of defendant No.1-company, Mr. Bansal, learned counsel appearing for the plaintiff, states that filing of a fresh affidavit of evidence is not

necessary, and that the plaintiff will not take any objection on this aspect.

6. The application stands disposed of in the terms aforesaid.

CS(COMM) 929/2016

1. Plaintiff's evidence has been recorded before the local commissioner. By the order dated 04.10.2018, it was directed that the defendants will examine not more than five witnesses. Two affidavits of evidence on behalf of the defendants have been filed. The parties will coordinate with the local commissioner for fixing of dates for recording of evidence of the defendants' witnesses.

2. For the present, the time for recording of the evidence is extended until six months from the date the local commissioner commences recording of evidence. The local commissioner shall be paid additional fees of ₹1,00,000/-, of which ₹50,000/- will be paid at the commencement of the defendants' evidence and ₹50,000/- will be paid after the conclusion thereof. As recorded in the order dated 04.10.2018, the entire fees of the local commissioner shall be borne by the plaintiff. However, it is made clear that the payment of fees to the local commissioner is subject to the final orders of costs that may be passed in the suit.

3. List for monitoring of evidence on 06.07.2020.

4. The contents of this order may be communicated by the counsel for the parties to the local commissioner.

PRATEEK JALAN, J

JANUARY 09, 2020/ j's

CS(COMM) 929/2016

page 2 of 3