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

+ **CS (COMM) 929/2016**

KRBL LTD

..... Plaintiff

Through: Mr. Ajay Amitabh Suman, Mr. Vinay Kumar Shukla, and Mr. V. K. Sinha, Advocates. (M:9654130460 & 9990389539)

versus

LAL MAHAL LTD AND ANR.

.... Defendants

Through: Mr. Mohan Vidhani, Mr. Rahul Vidhani and Mr. Summit Aggarwal, Advocates. (M:9811545888 & 9811041240)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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07.09.2018

Learned counsel for the Defendants submits that due to mistake of the counsel, they did not appear before the Local Commissioner on three occasions. This fact is disputed by the learned counsel for Plaintiff. Learned counsel for the Defendants also submits that the Defendants have since sold the brand 'CHURCH GATE' to a third party, namely M/s. Vigyat Trade Pvt. Ltd. in Andhra Pradesh. Issue notice to M/s. Vigyat Trade Pvt. Ltd., Door No.-70-17-30/2, R. R. Nagar, Near R.T.O. Office, Kakinada, East Godavari, Andhra Pradesh-533003, for the next date of hearing.

The assignment deed between the Defendants and M/s Vigyat Trade Pvt Ltd is taken on record. As per the assignment deed, the Defendants have received a sum of Rs.1.48 crores for the sale of various brands. The



injunction application in the present case was dismissed on 23rd February, 2015, by appointing a Local Commissioner for recordal of evidence. Thereafter, the conduct of the Defendants in the present case reveals that on three dates i.e. on 24th July, 2018, 27th July, 2018 and 30th July, 2018, they did not appear to conduct cross examination of the Plaintiff's witnesses.

Accordingly, the Defendants shall deposit a sum of Rs.30 lakhs in this Court within four weeks from today. The said amount shall be deposited in a Fixed Deposit with the Registrar General of this Court.

List on 4th October, 2018.

PRATHIBA M. SINGH, J.

SEPTEMBER 07, 2018/dk