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

+ **CS(COMM) 358/2017 & I.A. 11196/2019**

RAJ KUMAR GUPTA

.....Plaintiff

Through: Mr. Chinmoy Pradip Sharma, Sr.
Advocate with Mr. Dhruv Surana,
Mr. Arya Hardik and Mr. Irfan
Hasieb, Advocates
Mob: 8630100048

versus

SANJAY GUPTA & ANOTHER

.....Defendants

Through: Mr. Bharat Bhushan, Ms. Nidhi
Gupta, Ms. Garima Thirani and Ms.
Anunya Mishra, Advocates for D-2
and 4.
Mob: 7042078860
Mr. Satish Aggarwala, Advocate for
D-3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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02.12.2024

I.A. 11196/2019

1. Learned counsel appearing for the defendant draws the attention of this Court to the documents filed on behalf of the plaintiff to submit that the present suit essentially has been filed with a view to divert from the main issue, which is pending before the Excise Authorities. He submits that during the course of raid in the premises in question, it had come to the fore that the said premises belonged to the plaintiff, and manufacturing of the products in question, was being done by the plaintiff.



2. However, he submits that the present suit has been filed, wherein, the plaintiff has raised allegations against the defendants, that the defendants were indulging in production of counterfeit products. He submits that the said submission made in the plaint is totally wrong, as the production in the premises in question, where the raid was conducted by the Excise Department, was being carried out for and on behalf of the plaintiff.
3. Thus, he submits that there is no cause of action to file the present plaint.
4. Re-notify on 20th January, 2025.

MINI PUSHKARNA, J

DECEMBER 2, 2024

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