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

+ **CS(OS) 592/2018**

BAJAJ AUTO LIMITED

.....Plaintiff

Through:

versus

RAKESH KUMAR

.....Defendant

Through: **Mr. R K Vats & Kumari Alka**
Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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09.12.2024

I.A. 47236/2024

1. This application has been filed by the Defendant for recalling of *ex parte ad interim injunction* Order dated 21.09.2016 passed in an application under Order XXXIX Rule 1 & 2 CPC in view of setting aside of the *ex parte* proceedings under Order IX Rule 7 CPC *vide* Order dated 07.05.2024.
2. Material on record indicates that the application filed by the Plaintiff for interim injunction was allowed *vide ex parte* Order dated 21.09.2016. On 23.06.2016, Defendant was not present and accordingly, the Defendant was proceeded *ex parte* in the suit under Order IX Rule 6 CPC. The Apex Court *vide* Order dated 18.09.2018, transferred the present matter to this Court.
3. *Vide* Order dated 07.05.2024, the application filed by the Defendant under Order IX Rule 7 CPC for setting aside the *ex parte* Order dated 23.06.2016 in the suit as well as in the interim application has been allowed



and the Order dated 23.06.2016 has been recalled. The Defendant has thereafter moved an application for recall of the injunction Order dated 21.09.2016.

4. Issue notice.
5. On Defendant's taking steps, let notice to Plaintiff be issued through all permissible mode, including *dasti*.
6. List before the Court on 18.02.2025.

SUBRAMONIUM PRASAD, J

DECEMBER 9, 2024
RJ