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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 697/2019

BISLERI INTERNATIONAL PRIVATE LIMITED

..... Plaintiff

Through: Mr.N.K.Bhatnagar, Mr.Ankit
Gupta, Ms.Sukanya Paul,
Advocates

versus

M/S SHRI SAI FOODS & BEVERAGES & ORS.

.....Defendant

Through: Mr.Nishant Verma, Adv. for
John Doe i.e. Pure and Safe
Aqua Industries and Karthik
Beverages P. Ltd. (VC)

Mr.Vishal Patel, Advocate for
Proposed D-28 (VC)

Mr.Mohit Sharma, Advocate for
proposed defendant in IA No.
6548/2022 (VC)

Mr.Rajat Bhalla, Advocate for
proposed D-55 (VC)

Mr.Manjeet Godara, Advocate
for proposed D-20 (VC)

Mr.Rahul Beruar, Ms.Jyotsana
Sinha, Mr.Avinash Singh, Adv.
for proposed D-48 (VC)

Ms.Neetu Jain, Advocate for
proposed D-58 (VC).

Mr.Mayank Ahuja, Adv for
proposed D-22 (VC)

Ms.Aadhya Khanna, Adv. for
proposed D-42 (VC)



**CORAM:
JOINT REGISTRAR (JUDICIAL) SH. PURSHOTAM
PATHAK (DHJS)**

**ORDER
24.01.2023**

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I.A. 17925/2016 under Order XXXIX Rules 1 and 2 for ex-parte ad-interim injunction.

Reply filed by proposed defendant no. 59.

Reply filed by Pure and Safe Aqua Industries and Karthik Beverages P. Ltd. has still not come on record.

Let Ld. Counsel for plaintiff to file affidavit of service with mode and date of service of each defendant so that opportunity of served defendants who have not filed the reply may be closed and steps may be taken regarding the unserved defendants.

Put up for completion of pleadings.

I.A.1389/2020 Application on behalf of defendant no. 10 for issuance of directions to the local commissioner Sh. Anurag Misra to de-seal the material lying in the factory premises of the applicant.

At request of Ld. Counsel for the plaintiff that the present IA has become infructuous, re-notify on the next date of hearing before Hon'ble Court for further directions.

I.A 2849/2020 under Order 7 Rule 11 of CPC, 1908 seeking rejection of plaint on behalf of John doe defendant M/s Deepika mineral water enterprises on the ground of lack of territorial jurisdiction.

Rejoinder not filed.

Let the same be filed as last opportunity within two weeks with advance copy to opposite party.

Put up for completion of pleadings.



I.A.11026/2020 on behalf of M/s S.K. Traders under section 151 CPC seeking ad interim directions.

Ld. Counsel for plaintiff submits that the matter has already been settled with M/s S.K.Traders in mediation and the present application may be placed before the Hon'ble Court as same is not maintainable now.

At request, re-notify on the next date of hearing before Hon'ble Court for further directions.

I.A.13614/2021 under Order 1 Rule 10 CPC moved by plaintiff for impleadment of proposed defendants no. 6 to 27.

Copy of IA not supplied to Ld. Counsel for the defendant no.22. Let the same be supplied.

Reply not filed by remaining served proposed defendants. One more opportunity is granted to all the served proposed defendants to file reply. Let the same be filed with advance copy to opposite party. Rejoinder thereto, if any, be filed thereafter.

Let Ld. Counsel for plaintiff to file affidavit of service with mode and date of service of each proposed defendant so that opportunity of served defendants who have not filed the reply may be closed and steps may be taken regarding the unserved defendants.

Put up for completion of pleadings.

I.A.14734/2021 under Order 1 Rule 10 r/w section 151 CPC seeking impleadment of additional defendants 28 to 58 in terms of order dated 18.12.2020.

Reply filed by Prop. Defendant no. 48, 53, 55 & 58.

Let Rejoinder thereto, if any, be filed.

Reply not filed by remaining served defendants. One more opportunity is granted to all the served proposed defendants to



file reply. Let the same be filed with advance copy to opposite party. Rejoinder thereto, if any, be filed thereafter.

Let Ld. Counsel for plaintiff to file affidavit of service with mode and date of service of each proposed defendant so that opportunity of served defendants who have not filed the reply may be closed and steps may be taken regarding the unserved defendants.

Put up for completion of pleadings.

I.A. 755/2022 (under Section 151 CPC 1908 for directions).

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I.A. 756/2022 filed by applicant under Order I Rule 10 CPC, 1908 on behalf of M/s Gangothri Minerals (unidentified defendant) to implead the applicant.

Reply filed by Plaintiff. Let rejoinder, if any be filed be filed with advance copy to opposite party.

Re-notify on next date of hearing.

I.A. 6074/2022 u/s 5 of Limitation Act r/w section 151 CPC for condonation of delay in filing written statement and affidavit of admission and denial.

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I.A. 11315/2022 under Order VIII Rule 1 r/w section 151 CPC on behalf of the applicant/answering defendant i.e. Sh.Rahul Kishore trading as M/s R.K.Industries.

The above IA's have been moved by proposed defendants for condonation of delay in filing the written statement.

Let the Ld. Counsels for both the parties to apprise about the maintainability of the present IA's as both the applicants are proposed defendants and they are yet to be impleaded as a party in the suit.

Put up for consideration on the next date of hearing.



I.A. 6548/2022 on behalf of applicant/unidentified defendant u/s 151 CPC, 1908 for release of seized goods.

No reply filed. Let reply be filed with advance copy to opposite party. Rejoinder thereto, if any, be filed thereafter.

Put up for completion of pleadings.

I.A. 11005/2022 on behalf of proposed defendant no. 39 under section 151 CPC seeking direction for release of cease goods and permit the proposed defendant to sell his goods under then registered trademark.

Reply filed by plaintiff. Let rejoinder, if any be filed with advance copy to opposite party.

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Suit has been decreed qua Defendant No.2.

The rights of defendant no. 1 & 3 to file written statement has been closed.

Pleadings qua defendant no. 4 are complete and also the matter has been settled with defendant no. 4 in Mediation.

Summons could not be issued to defendant no. 5 as the process fee filed by plaintiff is lying under objections.

Let fresh summons be issued to defendant no. 5 on PF already filed through all permissible modes, returnable on next date of hearing.

Put up before Hon'ble Court on date already fixed i.e. 06.02.2023 for further directions.

**PURSHOTAM PATHAK (DHJS),
JOINT REGISTRAR (JUDICIAL)**

JANUARY 24, 2023/sk

Click here to check corrigendum, if any