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

+ **CS(COMM) 691/2021 and I.A. 17300/2021, 17475/2022, 17476/2022, 17859/2022**

**DAVINDER SINGH SETHI TRADING AS GOPAL  
HERBAL**

..... Plaintiff

Through: Mr. Sridharan R. Ramkumar and Mr.  
Saransh Saini, Advocates.  
(M:9717417996)  
Mr. Davinder Singh Sethi,  
Petitioner-in-person.

versus

**MR. PRIYANSHU KUMAR CHAUHAN & ORS.** ..... Defendants

Through: Ms. Preetika Dwivedi, Advocate.  
(M:9999238387)  
Mr. F.A. Ayyubi, Ms. Akanksha and  
Mr. Ibad Mushtaq, Advocates for D-  
6.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **03.11.2022**

1. This hearing has been done through hybrid mode.

**I.A.17476/2022 (for delay)**

2. For the reasons stated in the application, delay in refiling is condoned.

3. ***I.A.17476/2022*** is disposed of.

**I.A.17475/2022 (for permission to file written statement)**

4. Defendant No.6 has filed this application seeking extension of time to file the written statement. It is submitted that Mr. Dhruv Arora/Defendant No.6 is in custody, hence the written statement could not have been filed in time.

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5. Let reply to this application be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

6. List on 25<sup>th</sup> January, 2023.

**CS (COMM) 691/2021, I.As.17300/2021, 17859/2022**

7. In the present suit, an *ex-parte* injunction was granted on 22nd December, 2021. Vide previous order dated 27th October, 2022, this Court had noticed that the Defendants seemed to be in police custody in Kanpur/Faridabad, due to an injunction order dated 22nd December, 2021, passed by the Court in these proceedings. Accordingly, Id. Counsels for the Defendants could not seek instructions and were directed to obtain instructions before the next date. The Court had also directed that the main counsel for the Plaintiff as also the Plaintiff be present and copies of the FIRs be placed before the Court.

8. Today, Mr. Davinder Singh Sethi - Plaintiff is present in Court.

9. Mr. Sridharan Ramkumar, Id. Counsel appearing for the Plaintiff, submits that by filing the FIRs, the Plaintiff has availed of his remedies under the law, inasmuch as the Defendants were found manufacturing counterfeit herbal medicines, which has also resulted in serious consequences, including criminal complaints, against the Plaintiff. The FIR copies have also been placed on record.

10. In so far as the submissions of Id. Counsels for the Defendants that Defendant Nos.1 and 3-6 are in custody, Mr. Ramkumar, Id. Counsel, submits as per instructions that only Defendant No.1 - Mr. Priyanshu Kumar Chauhan and Defendant No.6 - Mr. Dhruv Arora are



still in custody and the other Defendants are out on bail. He relies upon the order dated 11<sup>th</sup> October, 2022 passed by the Kanpur Sessions Court in Bail Application No.3673/2022, wherein the regular bail of Mr. Dhruv Arora has been rejected by the Court. He further submits that as per this order, Mr. Dhruv Arora was involved in manufacturing the counterfeit products till September, 2022, i.e., even 9 months post the injunction order.

11. This Court has perused the FIRs dated 7<sup>th</sup> January, 2022 and 4<sup>th</sup> January, 2022 filed before the PS, Faridabad and Kanpur respectively. The FIRs make references to the injunction order dated 22nd December, 2021 and the commission executed by the Local Commissioner on the Defendants' premises. However, insofar as the injunction order and the Local Commissioner's report being used as the basis for the FIR concerned, it is made clear that the interim injunction was granted *ex-parte* and as such this Court is yet to adjudicate upon the defences that may be put up by the Defendants, if any.

12. Ms. Preetika Dwivedi, Id. counsel for Defendant Nos.2 to 5 submits that the application seeking discharge being ***I.A.17859/2022***, may be kept pending at this stage.

13. Let the pleadings in all applications be completed.

14. List for further proceedings on 25<sup>th</sup> January, 2023.

**PRATHIBA M. SINGH, J.**

**NOVEMBER 3, 2022/dk/ms**