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

+ **CS(COMM) 454/2023**

LOTUS HERBALS PRIVATE LIMITEDPlaintiff

Through: **Mr. Abhishek Bansal and Mr. O. P. Bansal, Advocates**

versus

**DPKA UNIVERSAL CONSUMER
VENTURES PRIVATE LIMITED & ORS.**Defendants

Through: **Mr. Dhruv Anand, Ms. Sampurnaa Sanyal and Ms. Nimrat Singh, Advocates for D-1 & 2
Mr. Azeem Khan, Ms. Arundhati Dhar and Ms. Deepa Rathi, Advocates for D-3**

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
29.01.2025**

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I.A. No. 19426/2023 (filed on behalf of defendants no. 1 & 2 seeking early hearing)

1. This application has become infructuous and is accordingly closed.

I.A. 17542/2023 (under Order I Rule 10 of the CPC)

2. This application has been filed on behalf of the defendant no.3 seeking deletion from the array of parties in the present suit.

3. It is stated that the defendant no.3 is only a contract manufacturing company and has no right, title and interest in the intellectual property that is the subject matter of the present suit.



4. Counsel for the plaintiff does not oppose the aforesaid request.
5. In view of the above, the defendant no.3 is deleted from the array of parties.
6. The application stands disposed of.

I.A. 201/2025 (u/O I Rule 10 read with Order VI Rule 17 CPC)

7. This is an application filed on behalf of the plaintiff to implead “*M/s KA Enterprises LLP*” as a proposed defendant in the present proceedings and make necessary amendments in the plaint.
8. Counsel for the plaintiff submits that “*M/s KA Enterprises LLP*” is a majority shareholder of the defendant no.1 firm and the defendant no.2 is a partner of the proposed defendant. It is further submitted that that proposed defendant is also the brand owner of the brand “82° E” which uses the impugned mark ‘LOTUS SPLASH’.
9. Counsel appearing for the defendants no.1 and 2 does not oppose the present application.
10. In my view, based on the pleadings in the suit and averments made in the application, “*M/s KA Enterprises LLP*” is a proper and necessary party for the complete and effective adjudication of the present suit.
11. Accordingly, “*M/s KA Enterprises LLP*” is impleaded as a defendant in the present suit and the proposed amendments given in paragraph 7 of the present application are permitted to be taken on record.
12. The application stands disposed of.

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13. In view of the order passed above in I.A. 17542/2023 and I.A. 201/2025, the plaintiff is permitted to place on record an amended memo of parties along with an amended plaint within two weeks from today.



14. Let summons be issued to the newly impleaded defendant, “*M/s KA Enterprises LLP*”.
15. Mr. Dhruv Anand, advocate accepts summons on behalf of the newly impleaded defendant and waives issuance of formal summons.
16. Written statement shall be filed by the newly impleaded defendant within thirty days from today. Along with the written statement, the newly impleaded defendant shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.
17. Liberty is given to the plaintiff to file replication, if any, within thirty days from the receipt of the written statement. Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the newly impleaded defendant be filed by the plaintiff.
18. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
19. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
20. List before the Joint Registrar for completion of pleadings on 24th March, 2025.
21. List before Court for framing of issues on 2nd May, 2025.

AMIT BANSAL, J

JANUARY 29, 2025/tp