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

+ CS(OS) 1723/2006

GOLD'S GYM LICENSING LLC, U.S.A. Plaintiff

Through: Mr. Sohan Singh Rana, Ms. Bindra
Rana, Ms. Priya Adlakha &
Mr. Daljeet Dabas, Advocates.

versus

THE GOLD GYM, NEW DELHI, 110059
& ANR. CF+

..... Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
16.03.2016

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I.A. No. 2694/2016

This application under Order IX Rule 13 CPC has been filed to seek setting aside of the ex-parte decree.

I may notice that the application has been signed by Advocate Mr. Pravin Chauhan and is supported by the affidavit of Mr. Sunil Kumar. In the affidavit, Mr. Sunil Kumar states that he is the defendant in the present case. Another affidavit of the Advocate Mr. Pravin Chauhan has also been filed. The defendants in the suit are Gold Gym through Mr. Naresh Dhawan and Mr. Naresh Dhawan. Mr. Sunil Kumar is not the defendant in the suit. In fact, Mr. Sunil Kumar is the defendant in CS(OS) No. 393/2006. The fact of the matter is that Mr. Naresh Dhawan has not even contested the

present suit by filing a written statement, who has, in fact, never appeared in the proceedings and he has engaged no counsel, including Mr. Pravin Chauhan, to appear on his behalf.

In these circumstances, the present application is wholly incompetent and neither Mr. Sunil Kumar had the locus standi to file the application nor Mr. Pravin Chauhan, Advocate had the competence to move the application.

The application is, accordingly, dismissed.

VIPIN SANGHI, J

MARCH 16, 2016

B.S. Rohella