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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CS(COMM) No.59/2017
SUPER CASSETTES INDUSTRIES PVT LTD Plaintiff
Through: Mr. K.K. Khetan, Adv.
versus
MEDAK DIGITAL CABLE TV COMMUNICATION Defendant
Through: None.
AND
CS(COMM) No.60/2017
SUPER CASSETTES INDUSTRIES PVT LTD Plaintiff
Through: Mr. K.K. Khetan, Adv.
versus
SREE DEVI DIGITAL SYSTEMS PVT LTD Defendant
Through: Mr. Atul Bhuchar, Adv.
AND
+ CS(COMM) No.63/2017
SUPER CASSETTES INDUSTRIES PVT. LTD. Plaintiff
Through: Mr. K.K. Khetan, Adv.
versus
MEDIA VISION@MANA CHANNEL Defendant
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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19.04.2017

CS(COMM) No.59/2017 & IA No.1041/2017 (u/O XXXIX R-1&2 CPC)

1. Though the report of service of the defendant is awaited but the plaintiff has filed affidavit of service of the authorised representative of the plaintiff and there is no reason to disbelieve the same.
2. The counsel for the plaintiff, on enquiry as to when was the defendant served, states that the defendant was served by speed post AD on 4th March, 2017.

3. The time for filing written statement has also thus expired.
4. From the factum of the defendant having not chosen to appear inspite of *ex-parte* injunction against it, it is evident that the defendant has no defence and is not interested in contesting the suit.
5. The defendant is proceeded against *ex-parte*.
6. The plaintiff, on the basis of the averments in the plaint and documents filed therewith has made out a case for grant of the relief of permanent injunction as claimed. As per, ***Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del 508 need to relegate the plaintiff to *ex-parte* evidence for the said purpose is not felt.
7. Considering that the defendant has chosen not to come and contest the suit and even otherwise in the facts and circumstances, it is felt that no purpose will be served in relegating the plaintiff to lead evidence qua the relief claimed of damages. The ends of justice will be served by awarding actual costs of the suit to the plaintiff.
8. Accordingly, a decree is passed in favour of the plaintiff and against the defendant, of permanent injunction in terms of prayer paragraph (i) of the plaint.
9. The plaintiff shall also be entitled to costs of the suit assessed at Rs.2.5 lakhs payable by the defendant to the plaintiff within six weeks hereof, failing which the same shall incur interest @ 10% per annum.
10. Decree sheet be drawn up.

CS(COMM) No.60/2017 & IA No.1044/2017 (u/O XXXIX R-1&2 CPC)

11. The report of service of the defendant is awaited but the counsel for the plaintiff has filed affidavit of service.

12. The counsel for the defendant appears and seeks time to file written statement.
13. The counsel for the defendant, on enquiry, states that the defendant was served on 27th February, 2017.
14. Subject to the defendant paying costs of Rs.10,000/- to the counsel for the plaintiff today itself, the defendant is permitted to file written statement on or before 11th May, 2017, failing which the right to file written statement shall stand closed without any further orders.
15. Replication thereto if any be filed within four weeks thereafter.
16. The parties to file affidavit of admission/denial of each other's documents within further two weeks thereafter.
17. List on 2nd August, 2017 for framing of issues if any and for consideration of the application for interim relief.
18. Interim orders to continue.
19. Costs have been paid.

CS(COMM) No.63/2017 & IA No.1060/2017 (u/O XXXIX R-1&2 CPC)

20. Though the report of service of the defendant is awaited but the plaintiff has filed affidavit of service of the authorised representative of the plaintiff and there is no reason to disbelieve the same.
21. The counsel for the plaintiff, on enquiry as to when was the defendant served states that the defendant was served by speed post AD on 1st March, 2017.
22. The time for filing written statement has also thus expired.
23. From the factum of the defendant having not chosen to appear inspite of *ex-parte* injunction against it, it is evident that the defendant has no

defence and is not interested in contesting the suit.

24. The defendant is proceeded against *ex-parte*.

25. The plaintiff, on the basis of the averments in the plaint and documents filed therewith has made out a case for grant of the relief of permanent injunction as claimed. As per, ***Satya Infrastructure Ltd.*** supra, need to relegate the plaintiff to *ex-parte* evidence for the said purpose is not felt.

26. Considering that the defendant has chosen not to come and contest the suit and even otherwise in the facts and circumstances, it is felt that no purpose will be served in relegating the plaintiff to lead evidence qua the relief claimed of damages. The ends of justice will be served by awarding actual costs of the suit to the plaintiff.

27. Accordingly, a decree is passed in favour of the plaintiff and against the defendant, of permanent injunction in terms of prayer paragraph (i) of the plaint.

28. The plaintiff shall also be entitled to costs of the suit assessed at Rs.2.5 lakhs payable by the defendant to the plaintiff within six weeks hereof, failing which the same shall incur interest @ 10% per annum.

29. Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

APRIL 19, 2017

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