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

+ **CS(OS) 64/2017 & IA No.1934/2017 (u/O XXXIX R-1&2 CPC)**

UBER INDIA SYSTEMS PRIVATE LIMITED & ANR Plaintiffs

Through: Mr. Rajiv Nayar and Mr. Dayan
Krishnan, Sr. Advs. with Mr. Susmit
PUshkar, Mr. Abhijeet Swaroop, Mr.
Anchit Oswal and Mr. Ankur
Khandelwal, Advs.

Versus

**SARVODAYA DRIVER ASSOCIATION OF DELHI
& ORS**

..... Defendants

Through: Mr. Vishnu Sharma and Ms. Sonika
Tyagi, Advs. for D-1 to 5.

AND

CS(OS) 69/2017 & IA No.2055/2017 (u/O XXXIX R-1&2 CPC)

ANI TECHNOLOGIES PRIVATE LIMITED Plaintiff

Through: Mr. Sanjiv Puri, Sr. Adv. with Mr.
Vijay Sondhi, Ms. Amrita Singh, Mr.
Faisal Shetwani, Mr. Aranyak Pathak
and Mr. Gurpreet Singh Hahlon,
Advs.

Versus

RAJDHANI TOURIST DRIVER UNION & ORS. Defendants

Through: Mr. Vishnu Sharma and Ms. Sonika
Tyagi, Advs. for D-3 to 5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **17.04.2017**

1. Mr. R.K. Virmani, senior counsel who was requested vide order dated 28th February, 2017 to mediate between the parties has reported that mediation has been termination as non-settled.

2. The Court expresses its gratitude to Mr. Virmani.
3. The senior counsel for the plaintiff in CS(OS) No.64/2017 has handed over in Court a hand bill of the defendant Sarvodaya Driver Association of Delhi and contends that the defendants are acting in violation of the interim order in the suit.
4. The counsel for the defendants Sarvodaya Driver Association of Delhi states that the said hand bill has not been published by the defendants and the defendants have no such intent as claimed in the said hand bill, on which for the purposes of identification, mark 'A' has been put in today's date and which is taken on record. The counsel for the defendant Sarvodaya Driver Association of Delhi however states that some other Driver's Association have meted out the threat as contained in the said hand bill.
5. The suits thus have to be proceeded with.
6. The counsel for the defendants in both the suits states that copy of the amended plaint in CS(OS) No.69/2017 has not been received.
7. The senior counsel for the plaintiff in CS(OS) No.69/2017 states that no amendment of the plaint has been sought in that suit.
8. The counsel for the defendants then states that the court fees has not been paid.
9. The Registry has reported appropriate court fees having been paid in both the suits.
10. I have enquired from the counsel for the defendants, whether the defendants can in law possibly do what the plaintiff/s in each of the suits is seeking to injunct the defendants from doing.

11. The counsel for the defendants fairly states that the defendants have not and will not delve in any of the actions qua which the decree for permanent injunction has been claimed in the suits.

12. In this view of the matter, there is no need to put the suits for trial for the reliefs claimed of perpetual injunction.

13. The senior counsels for the plaintiff/s in both the suits fairly do not press for the relief claimed of damages.

14. Accordingly,

(a) a decree is passed in favour of the plaintiffs and against the defendants in CS(OS) No.64/2017, jointly and severally, of perpetual injunction in terms of prayer paragraph 37 (b), (c), (d) & (e) of the plaint;

(b) a decree is passed in favour of the plaintiff and against the defendants in CS(OS) No.69/2017, jointly and severally, of permanent injunction in terms of prayer paragraphs (b), (c), (d), (e) & (f);

(c) a decree is also passed in favour of the plaintiff and against the defendants in CS(OS) No.69/2017 restraining the defendants from protesting, agitating, causing commotion / violence in any manner in / at / around (within 500 meters) of the office of the plaintiff and its affiliates at (i) 202, 2nd Floor, O4U Center II, Plot 890, Udyog Vihar I, near Kapashera Border, Gurugram, Haryana and Building No.1, Malhan Arcade, Local Shopping Complex, Third Floor, Vasant Kunj, New Delhi; (ii) One Horizon Centre, DLF Phase-V, Gurugram,

Haryana; (iii) SCO-300, Sector-29, Gurugram, Haryana; (iv) 521, Aparabhoomi Holdings, Udyog Vihar Phase III, Gurugram, Haryana; (v) 86, Udyog Vihar Phase 1, Gurugram, Haryana; (vi) 230, Udyog Vihar Phase 1, Gurugram, Haryana; (vii) A-89, 3rd Floor, Sector 65, Noida, U.P.; and, (viii) Affiliate Office-Carzeva-A-184, A-Block, Sector 63, Noida, U.P.; and,

(d) the Joint Commissioner of Police (Traffic), Delhi or any other Officer of equal rank nominated by the Commissioner of Police is requested to forthwith, on being approached, ensure that the drivers / owners of vehicles having contract with the plaintiffs and wanting to ply their vehicles as part of the services of the plaintiffs are not stopped or blocked from plying on the roads and their vehicles are not damaged.

15. Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

APRIL 17, 2017

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