

\$~2 to 7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 80/2018 & IAs No.7981/2009 (for stay), 24547/2015 (u/O XXII R-3 CPC), 24548/2015 (for exemption) & 24549/2015 (for condonation of delay)

SANDEEP GAUR

..... Plaintiff

Through: Plaintiff-in-person.

Versus

VINOD KUMAR SHARMA & ANR.

..... Defendants

Through: Mr. Aviral Mittal, Mr. Vaurav Adlakha, Ms. Radha Thakur, Mr. Manjeet Gulliya and Mr. Aman Gaur, Adv.

AND

+

CS(COMM) 81/2018 & IAs No.7896/2009 (u/O XXXIX R-1&2 CPC) & 24553/2015 (u/O XXII R-3 CPC)

VINOD KUMAR SHARMA & ANR.

..... Plaintiffs

Through: Mr. Aviral Mittal, Mr. Vaurav Adlakha, Ms. Radha Thakur, Mr. Manjeet Gulliya and Mr. Aman Gaur, Adv.

Versus

TRILOCHAN SINGH & ORS.

..... Defendants

Through: Mr. Gaurav Gaur and Mr. Gopal Dubey, Adv.

AND

CS(COMM) 94/2018 & IAs No.2901/2013 (u/O VI R-17 CPC), 2902/2013 (u/O XXXIX R-2A CPC), 24568/2015 (u/O XXII R-3 CPC), 24569/2015 (for exemption) & 24570/2015 (for condonation of 261 days delay in re-filing)

SAMEER UDYOG

..... Plaintiff

Through: Mr. Gaurav Gaur and Mr. Gopal Dubey, Adv.

Versus

AJAY AUTO PRODUCTS & ANR.

..... Defendants

Through: Mr. Aviral Mittal, Mr. Vaurav Adlakha, Ms. Radha Thakur, Mr.

Manjeet Gulliya and Mr. Aman Gaur, Advs.

AND

CS(COMM) 95/2018 & IAs No.24563/2015 (u/O XXII R-3 CPC),
24564/2015 (for exemption) & 24565/2015 (for condonation of 261
days delay in re-filing)

AJAY AUTO PRODUCTS

..... Plaintiff

Through: Mr. Aviral Mittal, Mr. Vaurav
Adlakha, Ms. Radha Thakur, Mr.
Manjeet Gulliya and Mr. Aman Gaur,
Advs.

Versus

SAMEER UDYOG & ORS.

..... Defendants

Through: Mr. Hem Singh, Adv.

AND

CS(COMM) 316/2018 & IAs No.9223/2013 (u/O XXXIX R-1&2
CPC), 9224/2013 (u/O XXVI R-9 CPC), 9225/2013 (u/O XIII R-1
CPC) & 19614/2013 (for discharge of counsel for plaintiff)

MAX UDYOG

..... Plaintiff

Through: Mr. Aviral Mittal, Mr. Vaurav
Adlakha, Ms. Radha Thakur, Mr.
Manjeet Gulliya and Mr. Aman Gaur,
Advs.

Versus

PRAN YOG INDUSTRIES

..... Defendant

Through: Mr. Gaurav Gaur and Mr. Gopal
Dubey, Advs.

AND

CS(COMM) 443/2018

MAX UDYOG

..... Plaintiff

Through: Mr. Aviral Mittal, Mr. Vaurav
Adlakha, Ms. Radha Thakur, Mr.
Manjeet Gulliya and Mr. Aman Gaur,
Advs.

Versus

SAMEER UDYOG & ORS.

..... Defendants

Through: Mr. Gaurav Gaur and Mr. Gopal Dubey, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

22.05.2018

%

1. This order is in continuation of the earlier order dated 2nd April, 2018.
2. Though no settlement agreement or an application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC) has been filed, as was indicated on 2nd April, 2018, but all present state that in terms of the settlement arrived at, all the suits have to be withdrawn and thus the need to draw up any settlement agreement or an application under Order XXIII Rule 3 of the CPC was not felt.
3. However, it is stated that Vinod Kumar Sharma, party in some of the suits, expired on 30th January, 2015 and though applications for substitution of his legal representatives (LRs) are pending but have not been allowed as yet. It is stated that before the suits are to be withdrawn, substitution of the LRs of Vinod Kumar Sharma has to be affected.
4. Mr. Aman Gaur, Advocate states that he is the son of late Vinod Kumar Sharma and Vinod Kumar Sharma, besides Mr. Aman Gaur as son, has left Nidhi Gaur as his daughter and Kusum Sharma as his wife/widow and Vinod Kumar Sharma had no other natural heirs. On enquiry, it is stated that the mother of Vinod Kumar Sharma had pre-deceased him.
5. Accordingly, Mr. Aman Gaur, Advocate, Ms. Nidhi Gaur and Ms. Kusum Sharma are substituted as the LRs of Vinod Kumar Sharma in the

suits where Vinod Kumar Sharma is a party.

6. On enquiry, it is informed (i) that Sandeep Gaur, Advocate/plaintiff in CS(COMM) No.80/2018 is present in person; (ii) that Mr. Aman Gaur, Advocate appearing for himself, as Advocate is authorised to represent his mother Kusum Sharma and his sister Nidhi Gaur as well; (iii) that in CS(COMM) No.81/2018, besides Vinod Kumar Sharma, Ajay Auto Products was also a plaintiff and Vinod Kumar Sharma was the sole proprietor of Ajay Auto Products; (iv) that Sameer Udyog, plaintiff No.1 as per amended Memorandum of Parties dated 6th January, 2013 in CS(COMM) No.94/2018, was by order dated 10th January, 2011 in the said suit ordered to be substituted by the plaintiff No.2 in the said amended Memorandum of Parties namely Pran Yog Industries and the amended Memorandum of Parties dated 6th January, 2013 wrongly shows Sameer Udyog as plaintiff No.1; (v) that Sameer Udyog, at the time of institution of the suit, was a proprietorship of Sameer Gaur and his mother Nirmal Sharma; the business of Sameer Udyog was taken over by plaintiff No.2 in CS(COMM) No.94/2018 namely Pran Yog Industries; Sameer Udyog now does not claim any right as claimed in CS(COMM) No.94/2018 and the said rights are of Pran Yog Industries only; (vi) that Pran Yog Industries is the proprietorship of Virender Kumar Sharma; Mr. Gaurav Gaur, Advocate/son of Virender Kumar Sharma represents him in the suit; (vii) that Ajay Auto Products, plaintiff in CS(COMM) No.95/2018, as aforesaid was the proprietorship of Vinod Kumar Sharma; (viii) that Max Udyog, plaintiff in CS(COMM) No.316/2018 is the proprietorship concern of Kusum Sharma wife / widow of Vinod Kumar Sharma who is also represented by her

Advocate/son Mr. Aman Gaur.

7. The counsel for the plaintiff/s in each of the suits aforesaid, withdraw the respective suits.

8. None of the parties have any objection.

9. The suits are dismissed as withdrawn, leaving the parties to bear their own costs.

No costs.

RAJIV SAHAI ENDLAW, J.

MAY 22, 2018

‘bs’..