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

+ **CS(COMM) 233/2019**

RAVI WALIA & ANR.

..... Plaintiffs

Represented by: Ms. Niyati Kohli & Ms. Megha, Advocates.

versus

UFO MOVIEZ INDIA LIMITED & ANR.

..... Defendants

Represented by: Mr. Upender Thakur & Mr. Tejveer Bhatia,
Advocates for D-1.

Mr. Shyam Moorjani & Mr. Mani
Moorjani, Advocates for D-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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16.01.2020

I.A. No.17571/2019 (u/Section 151 CPC by D-2)

1. By this application, defendant No.2 seeks cost from the plaintiffs.
2. Case of defendant No.2 is that in the initial communications between the parties itself, the plaintiffs admitted that the issue would be maintainable under the Competition Commission Act and despite the territorial jurisdiction to try the suit being at Mumbai, the suit was deliberately filed in Delhi resulting in passing of an ad interim ex parte injunction thereby causing heavy pecuniary loss to defendant No.2. Hence, the plaintiffs subsequently withdrawing the suit on the plea that the plaintiffs would be taking remedy under the Competition Commission Act, having contested the orders by filing appeals before the Division Bench, cannot be absolved from paying the costs to the defendant No.2.

2. Notice. Learned counsel for the plaintiffs/non-applicants accepts notice. Reply affidavit, if any, be filed within three weeks. Rejoinder affidavit be filed within two weeks thereafter.

3. List on 19th March, 2020.

I.A. 218/2020 (for delay)

1. By this application, the authorized representative of plaintiff No.2 seeks condonation of delay of 13 days in filing the reply to the show cause notice issued by this court vide order dated 13th November, 2019.

2. For the reasons stated in the application, delay of 13 days in filing the reply to the show cause notice issued in CrI. M.A. No.36628/2019 is condoned.

3. Application is disposed of.

CrI. M.A. No.36628/2019 (u/S 195 (1) (b) r/w Section 340 Cr.P.C.)

1. Reply affidavit to the show cause notice issued to the authorized representative of plaintiff No.2 is on record, however, no affidavit has been filed by plaintiff No.1 nor are they present in court.

2. Learned counsel for the plaintiffs submits that on the next date of hearing, plaintiff No.1 and authorized representative of plaintiff No.2 will be present in court and the reply affidavit to the show cause notice by plaintiff No.1 will be filed in the course of the day. Rejoinder affidavits, if any, to reply affidavits be filed within three weeks.

3. List on 19th March, 2020.

MUKTA GUPTA, J.

JANUARY 16, 2020/‘AA’