

\$~3.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1386/2016, IA No.12485/2016 (u/O XXXIX R-1&2
CPC) & IA No.12486/2016 (u/S 80(2) r/w Section 151 CPC).
RELIANCE LIFE SCIENCES PRIVATE LIMITED Plaintiff
Through: Ms. Namrita Kochhar and Ms.
Richika Wadhawan, Advs.

versus

PAWAN KUMAR TANWAR & ORS Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

25.03.2019

1. IA No.4309/2019 has been filed by the plaintiff for withdrawal of the suit with liberty to file afresh upon finding the whereabouts of the defendants no.1&2.
2. The counsel for the plaintiff supports the application.
3. The suit, besides against the defendants no.1&2 namely Pawan Kumar Tanwar and Aerial Exports, is also against M/s R.T. Pharma and Chief Commissioner of Customs (Delhi).
4. No permission to institute the suit afresh against defendants no.3&4 has been sought and the suit is sought to be unconditionally withdrawn.
5. The counsel for the plaintiff, on enquiry states that the defendant no.1 Pawan Kumar Tanwar was learnt to be the sole proprietor of defendant no. 2 Aerial Exports.
6. Though the plaintiff should have been careful about the particulars of defendants no.1&2 to be able to serve them with the summons of the suit and with the order of injunction which was obtained *ex parte* and cannot

use the process of the Court repeatedly by filing such half baked suits, but cautioning the counsel for the plaintiff in this respect, the suit is dismissed as withdrawn with liberty to the counsel for the plaintiff to file afresh only against defendants no.1&2 on finding the particulars of the defendants no.1&2.

RAJIV SAHAI ENDLAW, J

MARCH 25, 2019

‘pp’..