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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 285/2020**

MAKEMYTRIP (INDIA) PRIVATE LIMITEDPlaintiff

Through Mr. Amit Sibal, Sr. Adv. with Mr.
Mohit Goel, Mr. Deepankar Mishra,
Mr. Sidhant Goel, Mr. Karmanya Dev
Sharma, Mr. Akshay Ajaykumar, Mr.
Ambar Bhushan, Mr. Saksham
Dingra and Mr. Siddhant Nath, Advs.

versus

WING IN TRAVEL ADVISORY PVT. LTD. & ORS.Defendants

Through Mr. D.K. Mehta, Advocate for D-1.

Mr. Arun Kathpalia, Sr. Adv. with
Mr. Aditya Gupta, Mr. Raunaq
Kamath, Ms. Kaveri Jain and Ms.
Aishwarya Kane, Advs. for D-2.

Mr. Sandeep Sethi, Sr. Adv. with Mr.
Neel Mason, Ms. Ridhima Pabbi, Ms.
Ekta Sharma, Ms. Vennela Reddy and
Ms. R. Ramya, Advs. for D-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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09.09.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

**CS(COMM) 285/2020 & I.A. No. 6277/2020 [u/O XXXIX Rule 1 and 2
read with Section 151 of the CPC]**

1. Mr. Amit Sibal, learned senior counsel, who appears on behalf of the plaintiff, has returned with instructions.

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2. Mr. Sibal says that the suit having been decreed *qua* defendant no. 1, the plaintiff wishes to withdraw the suit *vis-a-vis* defendant nos. 2 and 3 with liberty to file a fresh proceeding, *albeit*, as per law.

2.1 Mr. Sibal says that this, of course, will be without prejudice to the rights and contentions of the plaintiff insofar as defendant nos. 2 and 3 are concerned.

3. On the other hand, Mr. D.K. Mehta, who appears for defendant no. 1, says that he would require further 10 days to file an affidavit as indicated in the order dated 02.09.2020.

3.1 The request of Mr. Mehta is acceded to. Defendant no. 1 will file an affidavit in consonance with the directions contained in order dated 02.09.2020 within 10 days from today.

4. Accordingly, the suit shall stand withdrawn *qua* defendant nos. 2 and 3, *albeit*, without prejudice to the rights and contentions of the plaintiff.

4.1 Liberty is granted to the plaintiff to institute a fresh proceeding, as per law.

5. Needless to add, if a fresh proceeding is instituted by the plaintiff against defendant nos. 2 and 3, it will open to them to take recourse to all defences as may be available in law.

6. A decree will be drawn up accordingly.

7. Consequently, the pending application shall also stand closed.

RAJIV SHAKDHER, J

SEPTEMBER 09, 2020
PMC/KK

[Click here to check corrigendum, if any](#)

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