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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 745/2022, I.As. 17410/2022 & 12724/2023**

**XCALIBUR GEOPHYSICS INDIA
PRIVATE LIMITED & ANR.**

..... Plaintiffs

Through: Ms. Shivani Bhushan and Ms.
Diksha Tyagi, Advs. (M.
8587897446)

versus

BELLGEO SPACE INC & ORS.

..... Defendants

Through: Mr. Manish Dembla, Adv. for D-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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18.01.2024

1. This hearing has been done through hybrid mode. This matter has been taken up today since 17th January, 2024 was declared a holiday on account of Guru Gobind Singhji's GURPURAB.
2. This is a suit filed by the Plaintiffs seeking anti-suit injunction against the Defendant No.1, who has filed a complaint before the United States District Court, Southern District of Texas, Houston Division against the Plaintiff No.2.
3. Vide order dated 17th March, 2023, this Court has been informed that Defendant No.1 has instituted another suit against the Plaintiff No.2 on the same cause of action and considering that the earlier suit has been dismissed, nothing survives in the present suit.
4. In terms of the previous order dated 10th August, 2023, the Plaintiffs were to file an application seeking amendment of the plaint. The said order reads as under:

*“1. Learned senior counsel for the plaintiff submits
that insofar as the prayer 'a' & 'b' of the plaint are*



concerned, the same have been rendered infructuous. She, however, submits that the plaintiff's prayer 'c' for damages to the sum of Rs.2,00,01,000/- (rupees two crores and one thousand only) would still be maintainable.

2. However, a perusal of the plaint shows that no proper foundation for this prayer has been made in the plaint. She, therefore, prays for and is granted four weeks time to move an appropriate application seeking amendment of the plaint.

3. List on 17.01.2024.”

5. In view of the above order as also observations on the previous dates, the prayers for injunctions are infructuous as submitted by the Plaintiffs themselves. The only remaining prayer is damages, for which there is no basis in the suit.

6. The Plaintiffs were also to seek amendment of the Plaint. However, no application seeking amendment of the plaint has been filed. In this background, nothing further survives in the present suit.

7. Today, Id. Counsel for the Plaintiffs seeks an adjournment or seeks permission to approach the Defendants for settlement.

8. Id. Counsel for the Defendant No.2 submits that the Defendant has not entered into any negotiations with the Plaintiffs.

9. The suit is, accordingly, dismissed. All pending applications are also dismissed.

10. However, if there is any independent cause of action, which survives for the Plaintiffs, they are free to avail of their remedies in accordance with law.

PRATHIBA M. SINGH, J.

JANUARY 18, 2024/dk/ks