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

+ **CS(COMM) 424/2023 & I.A. 11355/2023**

M/S HARI CHAND SHRI GOPALPlaintiff

Through: Ms. Prachi Agarwal, Mr. Manan
Monual & Ms. Elisha Sinha,
Advocates.

versus

**M/S. BHARAT ZARDA FACTORY THROUGH ITS PROPRIETOR
MR. SHAMBHU NATH PACHAL**Defendant

Through: Mr. Subashish Chakraborty,
Mr. Tavish B. Prasad & Mr. Amit
Chakraborty, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

03.03.2025

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**I.A. 11357/2023 (under Order XI Rule 1(6) of the Commercial Courts,
Commercial Division and Commercial Appellate Division Act, 2015)**

1. Counsel for the plaintiff does not wish to press the present application.

2. Accordingly, the present application is dismissed as not pressed.

**I.A. 40597/2024 (under Order XXII Rule 2 read with Section 151 of CPC
seeking impleadment of Mr. Pijush Pachal as party to the suit)**

3. This application has been filed under Order XXII Rule 2 of the Code of Civil Procedure, 1908 (CPC) to implead Mr. Pijush Pachal as a party to the present suit.

4. Even though the application has been filed under Order XXII Rule 2

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of the CPC, the same is treated as an application under Order XXII Rule 4 of the CPC.

5. Counsel for the proposed defendant submits that in view of the fact that the proposed defendant is not contesting the suit on merits, he does not object to the present application being allowed.

6. Accordingly, the application is allowed and Mr. Pijush Pachal is impleaded as a defendant in the present suit.

7. Let an amended memo of parties be filed within two (2) days.

8. Application stands disposed of.

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9. An affidavit has been filed on behalf of the newly impleaded defendant/Mr. Pijush Pachal, that all business activities of the proprietorship firm of the said defendant, i.e. '*M/s Bharat Zarda Factory*', stands closed w.e.f. 30th June, 2023.

10. In view of the above, he does not object if a decree of permanent injunction is passed in favour of the plaintiff.

11. Since there is no contest to the aforesaid, a decree of permanent injunction is passed in favour of the plaintiff and against the defendant, in terms of prayer clauses (i), (ii), (iii) and (iv) of the plaint.

12. Counsel for the plaintiff does not press for the remaining reliefs prayed for in the plaint.

13. Decree sheet be drawn up accordingly.

14. All pending applications stand disposed of.

AMIT BANSAL, J

MARCH 03, 2025/at

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