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

+ **CS(COMM) 518/2025, I.A. 13468/2025 & I.A. 25481/2025**

HERO INVESTCORP PRIVATE LIMITED

& ANR.

.....Plaintiffs

Through: **Ms. Aastha Sharma, Adv.**

versus

ASHOK KUMAR UNKNOWN

.....Defendant

Through: **None**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 13.10.2025

I.A. 25481/2025

1. This is an application filed by the plaintiff under Order XXIII Rule 1 Code of Civil Procedure, 1908 ('CPC') read with Section 151 CPC seeking withdrawal of the suit.
2. It is stated in the application that pursuant to the injunction order dated 27.05.2025 and the permission granted to execute the local commission, the Local Commissioner had conducted an inspection at the address/premises enlisted in the memo of parties. It is stated, however, on 11.06.2025 when the Local Commission was executed no infringing goods were found in the premises. Therefore, in view of the Local Commissioner's report, the plaintiff does not wish to proceed in this matter and seeks liberty to withdraw the suit.
3. In view of the submissions in the application and the Local



commissioner's report this Court observes that the present suit has been filed by the plaintiff without any cause of action.

4. The plaintiff is directed to carry out an in-house enquiry with respect to the investigation report relied upon by it for instituting the suit.

5. This Court observes that similarly in other suits filed by the same plaintiffs in the past month, Local Commissioner's reports have borne out that no infringing goods were found at the defendant's premises. This failure raises concerns about the verification process adopted by the investigators engaged by the plaintiff.

6. The suit is hereby dismissed.

7. Interim orders stand vacated.

8. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 13, 2025/msh