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

+ **CS(COMM) 633/2025, I.A. 14836/2025 & I.A. 15996/2025**

HERO INVESTCORP PRIVATE LIMITED.....Plaintiff

Through: Mr. Kunal Khanna, Adv. (through vc)

versus

ASHOK KUMAR (JOHN DOE)Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 26.09.2025

CS(COMM) 633/2025 and I.A. 15996/2025

1. This application under Section 148 read with Section 151 of the Code of Civil Procedure, 1908, has been filed by the Plaintiff seeking extension of time for execution of the local commissioner's raid in the premises located in Karol Bagh, New Delhi.

2. Mr. Kunal Khanna, learned counsel for the Plaintiff states that there is already an injunction order dated 20.06.2025 operating in favour of the Plaintiff and it also permits execution of the local commission.

2.1. He states that since the Plaintiff's investigator had informed that similar raids have been conducted in the said premises, therefore, the Plaintiff did not deem it appropriate to execute the local commission, as it believes that counterfeit products would be unavailable at the said premises.

2.2. He states that Plaintiff is seeking permission of this Court to execute the local commission at a later stage, and in case this Court is not inclined to



grant the said relief, the Plaintiff be permitted to withdraw the present suit.

3. This Court is not persuaded by the submissions made by the learned counsel for the Plaintiff.

4. A party cannot be at liberty to not serve the defendant and withhold the injunction order or not carry out local commission. This Court has already recorded its observations in the order dated 07.08.2025 regarding the non-execution of the local commission; however, the local commission has not been executed till date. The defendant has not been identified and the injunction order dated 20.06.2025 has not been served till date.

5. Since the plaintiff have decided not to pursue this suit, the suit is dismissed. The averments made by the learned counsel for the plaintiff fails to show any formal defect in the suit. The plaintiff is seeking to withdraw the suit of its own volition and hence no ground for liberty is made out.

6. The suit is dismissed, without any liberty reserved.

7. Accordingly, pending applications stand disposed of.

8. Interim orders stand vacated.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 26, 2025/msh