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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 531/2022
NEW BALANCE ATHLETICS INC.

..... Plaintiff

Through: Mr.Dushyant Mahant, Ms.Urfee
Roohi, Ms.Janaki Arun & Mr.Ritesh
Kumar, Advs.

versus

ASHOK KUMAR TRADING AS WWW.MYSHOESHOP. IN &
ORS.

..... Defendants

Through: Mr.Somesh Chandra Jha &
Mr.Shubham Gurung, Advs. for D-1
Mr.Rishabh Raj Jain, Adv. for D-3.
Mr.Ramnish Khanna, Adv. for D-4.
Mr.Arnab Kumar, CGSC with
Mr.Gurudas Khurana, Adv. for D-7 &
D-8.
Dr.Karnika Seth & Mr.Siddharth
Singh, Advs. for D-9.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **09.11.2022**

I.A. 16806/2022

1. This application has been filed by the plaintiff seeking amendment of the Memo of Parties as far as the defendant no. 1 is concerned. The application states that the details of the defendant no.1 have now been received from the defendant no.9 and, therefore, by this application, the plaintiff wishes to replace the defendant no.1, who was impleaded as *John Doe*, with the correct description of the defendant no.1.

2. The learned counsel for the defendant no.1, that is, Mr. Amir Saya, has entered appearance and does not oppose the application.

3. In view of the above, the present application is allowed. The amended Memo of Parties is taken on record.

I.A. 18106/2022

4. By this application, the defendant no.9 seeks its deletion from the array of parties.

5. The learned counsel for the defendant no.9 submits that the defendant no.9 was impleaded only to provide details of the defendant no.1 to the plaintiff, as also block the website of the defendant no.9. Both these directions have been duly complied with by the defendant no.9.

6. The learned counsel for the plaintiff does not oppose this application.

7. Accordingly, the defendant no.9 is deleted from the array of parties and the application is allowed.

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8. The learned counsel for the plaintiff submits that the defendant no.3 had been impleaded to seek bank account details of the defendant no.1, who till now was impleaded as *John Doe*. As the defendant no.1 has now entered appearance, the details of the bank account should be placed by the defendant no.1, along with the written statement/reply.

9. In view of the above, the defendant no.3 is deleted from the array of parties, while directing the defendant no.1 to file details of the bank accounts maintained by the defendant no.1, on affidavit, within a period of four weeks from today.

10. The learned counsel for the plaintiff submits that the defendant nos.4 and 5 were impleaded so as to trace the whereabouts of the defendant no.1.

As defendant no.1 has now entered appearance, the defendant nos.4 and 5 may be deleted from the array of parties.

11. The prayer made is granted and the defendant nos.4 and 5 are deleted from the array of parties.

12. The learned counsel for the plaintiff further submits that no further relief is prayed for against the defendant no.6 at present. Accordingly, the defendant no.6 is also deleted from the array of parties.

13. The learned counsel for the defendant nos.7 and 8 submits that the defendant nos.7 and 8 have also complied with the order dated 03.08.2022 of this Court and that no further relief is prayed for against the defendant nos.7 and 8.

14. The learned counsel for the plaintiff does not oppose the prayer made.

15. Accordingly, the defendant nos.7 and 8 are also deleted from array of parties.

16. Let an amended Memo of Parties be filed by the plaintiff within a period of one week from today.

17. The defendant no.1 shall file the written statement/reply to the application within the statutory period. Replication thereto, be filed within a period of three weeks thereafter.

18. The learned counsel for the defendant no.1, the sole surviving defendant in the suit, submits that the said defendant would like to explore a possibility of an amicable settlement of the disputes with the plaintiff.

19. At request, the parties are referred to the Delhi High Court Mediation and Conciliation Centre, where they shall appear on 21.11.2022 at 3:00 PM. Request of the parties to appear before the learned Mediator through virtual mode shall be considered by the learned Mediator.

20. List before Court on 9th March, 2023.

NOVEMBER 9, 2022/rv

NAVIN CHAWLA, J