

HIGH COURT OF DELHI: NEW DELHI.

No. 600 /Original/DHC/2019

Dated: 04-05-19

OFFICE ORDER

The trend of arraying the main defendant as defendant No.2 or defendant No.3, with the object of enabling the plaintiffs to obtain interim orders and disabling the main defendant to appear before the Court on the very first date, when the case is listed before the court, was noticed by a learned Single Judge of this Court in the case of *Micolube India Ltd. Versus Maggon Auto Centre & Another, 2008 (36) PTC 231*. It was held that "it is unfortunate that the main defendant was arrayed as defendant No.2. It is not only in this case, but in several other cases that this court has noticed this unhealthy trend on the part of the plaintiffs to array the main defendant as defendant No.2 or defendant No.3 while naming some innocuous dealer or retail outlet as defendant No.1. The object is easily discernible. When the counsel for the main defendants scan the list of cases, they would not be able to know as to whether any case has been filed against them so as to enable them to appear on the very first date on which the case is listed before court." This view was upheld by a Division Bench of this Court in an appeal filed against the aforementioned order.

In CS(COMM) 110/2019 Hon'ble Ms. Justice Prathiba M. Singh has been pleased to pass the following orders on 16.04.2019:

"16. It is noticed that, despite this being settled legal position, in most cases, an unknown Defendant or an employee or Director is impleaded as the first Defendant to avoid detection in the cause list. Such a practice having been held to be impermissible by the Division Bench, the same cannot be permitted to continue in any manner.

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Registry is directed to ensure strict compliance of the judgment in the *Micolube India Ltd. Versus Maggon Auto Centre & Anr. 2008 (36) PTC 231 (Del)* and seek an undertaking of the Plaintiff in IPR cases where there are multiple Defendants that the Defendant No. 1 being arrayed is the main contesting Defendant in the Suit."

The above directions are circulated for information and strict compliance by all concerned. The undertaking shall be given at the end of the Memo of Parties.

BY ORDER

Sd/-
(DINESH KUMAR SHARMA)
REGISTRAR GENERAL

Endst.No. 9943 - 49 /Original/DHC/2019

Dated : 04-05-19

Copy forwarded for information and necessary action to:

1. Joint Registrar-cum-Secretary to Hon'ble the Chief Justice.
2. All Registrars /Joint Registrars / Deputy Registrars / Assistant Registrars.
3. Deputy Registrar- cum - PA to Registrar General.
4. All Admn. Officers (Judicial)/ Branch Incharges.
5. The Hony. Secretary, Delhi High Court Bar Association with the request to bring contents of this Office Order to the notice of the Members of the Bar.
6. Notice Board.
7. Guard File.


JOINT REGISTRAR (ORIGINAL)