

OS 1/2021
Date : 27.4.2026

ORDER ON IA 10

I.A.10 has been filed under Order 39 Rule 2A R/W Section 151 of C.P.C by the plaintiff against the respondents to take stringent measures in accordance with law for willful disobedience of the order dated 5.1.2021 passed by this Court on I.A.1 in this case.

2. It is stated in the affidavit annexed to the I.A. that, this Court had passed an order on I.A.1 restraining the defendants, their agents, legal representatives, assignees, etc., and any persons claiming through them from using the deceptively similar mark to that of the plaintiff Living Seeds Technologies LLP, either singularly or in composite form or in any medium including but not limited to print, digital and any and all mediums of communication to public, till they appear before the Court or till the next date of hearing whichever is earlier. Even though the defendants have the knowledge of this order, using the deceptively similar mark and selling infringing goods. Hence, the defendants are in active violation of the prevailing order passed

by this Court, which amounts to disobedience of the order.

3. Defendant No.1 has remained absent and hence, objection of defendant No.1 taken as not filed.

4. Defendant No.2 has filed objection to the above I.A. stating that application filed by the plaintiff is not maintainable either in law or on facts. Further contended that image of the seeds bag attached to plaint as well as the present images of the seed bag attached to this application mentioned as "Produced and Marketed by Karthikeya Crop Technologies", does not pertain to defendant No.2 firm i.e., "Karthikeya Crop Technologies Private Limited". The defendant No.2 being a different entity, it is no way connected to any of the allegations made nor has committed any act of disobedience. Hence, prayed to dismiss the application with costs.

5. Defendant No.3 has filed objection to the above I.A. contending that I.A.1 has been passed only against defendants 1 and 2 and he was not a party at the time of passing order on I.A.1. Hence, prayed to dismiss the application with exemplary costs.

6. Heard the learned Advocate for plaintiff and perused the written arguments submitted by the learned Advocate for defendant No. 2 and 3.

7. Considering the allegations made in the affidavit and objection filed by the defendants 2 and 3, I opine that an enquiry is required to appreciate the contention taken by the plaintiff in his affidavit. Therefore, application under Order 39 Rule 2[A] of C.P.C is required to be registered as a miscellaneous petition. Hence, the following :

ORDER

Office is directed to register I.A.10 filed under Order 39 Rule 2A R/W Section 151 of C.P.C by the plaintiff against the respondents as Miscellaneous Petition and keep the objections filed by defendants 2 and 3 in the said file and put up.

**Prl. District & Sessions Judge,
Mysuru.**

