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

+ CS(COMM) 126/2024 with I.A. 3133/2024, I.A. 4696/2024, I.A. 30194/2024, I.A. 30360/2024, I.A. 34912/2024, I.A. 40749/2024, I.A. 1185/2025 and I.A. 2228/2025

OIKOS S P A

.....Plaintiff

Through: Ms. Maneesha Dhir, Mr. Kanishk Khetan and Ms. Karishma Malani, Advocates.

versus

OIKOS INDIA PVT LTD & ANR.

.....Defendants

Through: Mr. Sanjeev Sahai, Ms. Nupur Singh, Ms. Roopa Dayal and Ms. Shivleen Pasricha, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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03.04.2025

I.A. 1185/2025 (for amendment of plaint)

1. This application has been filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 seeking amendment of the plaint.
2. The details of the proposed amendments are given in paragraph 14 of the plaint.
3. I have perused the proposed amendments.
4. In my considered view, the proposed amendments do no change the nature and character of the suit. The suit is still at an early stage. No prejudice would be caused to the defendants if the proposed amendments are permitted.

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5. Accordingly, the amendments are allowed and the amended plaint is taken on record.

6. The application stands disposed of.

I.A. 30194/2024 (u/O VIII Rule 1 of CPC, 1908)

7. In view of the amendment being permitted in the plaint, this application has become infructuous and is disposed of as such.

I.A. 4696/2024 (seeking discharge of Local Commissioner)

8. Counsel for the parties submit that this application has become infructuous.

9. Accordingly, the application is disposed of as such.

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10. Defendants are permitted to file written statement to the amended plaint within thirty (30) days.

11. List on 25th July, 2025.

I.A. 30360/2024 (for directions)

12. By way of this application, the plaintiff seeks direction to the defendants to place on record stock statement as per the current distribution price.

13. The defendants shall file an affidavit giving the current stock statement of the existing stock of goods supplied by the plaintiff and bearing the impugned mark 'OIKOS' as on 31st March, 2025 along with the current distribution price within one (1) week from today.

14. The application is disposed of.

I.A. 34912/2024 (for directions)

15. I have heard the counsel for the parties.

16. Attention of the Court has been drawn to the orders passed on 9th



February, 2024 and 10th April, 2024.

17. It is the case of the defendants that the stock of impugned goods imported from Oikos Italy is in respect of goods that were supplied by the plaintiff to the defendants while there was a Distributorship Agreement between the plaintiff and the defendants. The Distribution Agreement was terminated by the plaintiff *vide* communication dated 19th October, 2023.

18. Before the said application is considered on merits, it is deemed appropriate that the representative of the plaintiff shall visit the premises of the defendants where the impugned products are kept.

19. The plaintiff shall verify whether the entire stock available with the defendants bearing the impugned mark 'OIKOS' was the stock that has been supplied by the plaintiff to the defendants. After verification, an affidavit shall be filed on behalf of the plaintiff.

20. The plaintiff shall give an advance notice to the defendants on the date the plaintiff proposes to visit the premises of the defendants.

21. List on 25th July, 2025.

22. In the meanwhile, it is directed that the defendants shall use the website, www.oikosindia.com, only for the purposes of selling existing stock of goods bearing the mark 'OIKOS' which were supplied by the plaintiff to the defendants.

AMIT BANSAL, J

APRIL 3, 2025

Vivek/-