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

+ CS(COMM) 309/2023
CASTROL LIMITED

.....Plaintiff

Through: Mr. Urfee Roomi, Ms. Janaki Arun
and Mr. Ayush Dixit, Advocates.

Versus

NARESHBHAI BABUBHAI KANANI,
TRADING AS MANORATH COMPANY
AND GDP LUBRICANTS & ANR.

.....Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

07.11.2024

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I.A. 44386/2024 (Order XXXIX Rule 2A of the CPC)

1. This application has been filed under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 for initiating contempt proceedings against the defendants for having violated the orders passed by this Court on 15th May, 2023 and 18th October, 2024.
2. *Vide* order dated 15th May, 2023, this Court had granted an *ex parte ad interim* injunction in favour of the plaintiff restraining the defendants from using goods bearing the marks COSTRIL, CROSTIL, COSTRIL POWER1, CROSTIL POWER1, COSTRIL GOLD, CROSTIL GOLD as well as the COSTRIL Device.
3. Upon summons being delivered to the defendants, the defendants entered appearance on 17th July, 2023. On 7th August, 2023, the defendants filed their written statement. However, on the next date of hearing, i.e. 31st July, 2024, counsel for the defendants sought discharge and accordingly, a



court notice was issued to the defendants.

4. Since the defendants did not appear despite service of court notice, they were proceeded against *ex-parte* on 18th October, 2024 and the interim injunction order passed on 15th May, 2023 was confirmed.

5. Mr. Urfee Roomi, counsel appearing on behalf of the plaintiff has drawn attention of the Court to print outs from the new websites of the defendants, i.e. www.leproxengineoil.in to show that the defendants are still advertising and offering for sale same products bearing the impugned marks in respect of which they have been enjoined by this Court.

6. It is also stated that the defendants continue to sell the products bearing the impugned marks on various third-party business listings and e-commercial websites. The documents in support of the same have been filed along with the application.

7. In my *prima facie* view, the defendants have wilfully and intentionally violated the interim injunction orders passed by this Court and, therefore, this Court is inclined to initiate contempt proceedings against the said defendants.

8. In view of the fact that the defendants have been proceeded against *ex-parte*, let bailable warrants in the sum of ₹5,000/- be issued for production of the defendant no.1, returnable for 27th January, 2025.

9. The registry shall send this order to the concerned SHO for compliance.

AMIT BANSAL, J

NOVEMBER 7, 2024

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