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

I.A. 44386/2024

IN

+ **CS(COMM) 309/2023**

CASTROL LIMITED

.....Plaintiff

Through: Mr. Urfee Roomi, Ms. Janaki Arun,
Mr. Ayush Dixit & Mr. Arpit Singhal,
Advocates.

versus

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

.....Defendants

Through: Mr. Shivam Yadav, Advocate for D-1
& D-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **16.07.2025**

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

1. Pursuant to the order passed by this Court on 20th March, 2025, an affidavit has been filed on behalf of the defendants.
2. In the said affidavit, the defendant has taken a stand that goods and products that were seized during the raid by the Local Commissioner are in the custody and possession of the Local Police. Paragraph no. 5 of the said affidavit is set out below:

“5. That the goods and products seized during the raid by the local commissioner are in the custody and possession of the local police. The Deponent did not move any application of superdari to take possession of the seized goods”



3. Mr. Urfee Roomi, counsel appearing on behalf of the plaintiff, points out that the aforesaid averment is in complete variance with the report of the Local Commissioner.

4. In the report filed by the Local Commissioner, it has specifically been stated that the defendant was unwilling to cooperate and refused to visit the premises. The Local Commissioner, therefore, directed the locals to break open the locks. Thereafter, he inspected the premises and seized the counterfeit products. Subsequently, the said products were locked at the premises of the defendant, and he dropped the SHO at the Police Station. Further, the key for the newly installed lock was submitted to the Registry of this Court.

5. In light of the above, the affidavit filed on behalf of the defendant is in complete variance with the Local Commissioner's report. Upon a Court query as to whether the defendant has any documents to evidence the fact that the goods are in the custody of the Police, counsel for the defendant submits that the defendant does not have any such records. Therefore, I am unable to accept the averments made in the affidavit that the goods are in the custody of the Police.

6. The order dated 15th May, 2023, clearly required that the defendants shall retain the goods on a *superdari* basis. However, it appears that the goods which were ordered to be seized by the Local Commissioner appointed by this Court have been disposed of by the defendants.

7. In view of the discussion above, this Court is constrained to hold that the defendants no.1 and 2 have committed wilful disobedience of the order dated 15th May, 2023, passed by this Court. The defendants are accordingly



held liable for committing contempt within the meaning of Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 ('CPC').

8. Defendants no.1 and 2 shall file a response within four weeks with regard to the quantum of punishment to be imposed.

9. List on 29th October, 2025, for consideration on the aspect of sentence.

AMIT BANSAL, J

JULY 16, 2025/at