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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 334/2023**
EUREKA FORBES LIMITED (FORMERLY FORBES
ENVIRO SOLUTIONS LIMITED)Plaintiff

Through: Mr. Shivankar Sharma,
Mr. Ayush Singh, Advocates

versus

MR. SANTOSH NATH AND ORS.Defendant

Through: Mr. Sunil Kumar, Advocate for
D-1.

Ms. Asmita Singh, Mr. Abheet
Mangleek, Mr. Tushar Nair,
Mr. Anirudh Anand, Mr. Punishk
Handa, Advocates for D-3.

Mr. Rahul, Mr. Shivam Gera,
Advocates for D-6.

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

% **ORDER**
10.02.2025

I.A. No. 21989/2023 on behalf of defendant no. 1 Santosh Nath for its deletion.

1. Submissions have been heard. Ld. Counsel for defendant no. 1 relies on two certificates which purportedly make him an authorized business partner of the plaintiff under a EURODOSTI Scheme. In response, ld. Counsel for the plaintiff has highlighted that veracity of both these certificates has been seriously disputed in the reply to the present application. Further, it has been



highlighted on behalf of the plaintiff that the programme which the defendant is relying upon i.e. EUODOSTI only authorized the concerned business partner to sell finished products. The present case, however, is in regard to Trade Mark infringement of the plaintiff in respect of its spare parts. It has further been highlighted that the aforesaid programme of business partnership itself has been discontinued in 2022. In response, ld. Counsel for defendant no. 1 submits that he has invoices to show that he is still receiving authorized goods from the plaintiff company for the purpose of sale. Counsel is at liberty to file copies of those invoices within four weeks. Before filing the same with the Registry, copies of the same be also supplied to ld. Counsel for the plaintiff so that he can respond to the same on the next date of hearing. Original invoices be brought on the next date. Put up again.

I.A. No. 22246/2023 filed on behalf of defendant no. 6 for its deletion.

2. Ld. Counsel for defendant no. 6 submits that defendant no. 6 is merely an intermediary and has already complied with the directions of the Hon'ble Court passed vide order dated 23.05.2023. Ld. Counsel further submits that defendant no. 6 is ready to give an undertaking that it shall further comply with any order which shall be passed by the Hon'ble Court in regard to defendant no. 6 but at this stage, it is neither a necessary nor a proper party. Ld. Counsel for the plaintiff, however, has disputed the assertion of defendant no. 6 of not being a proper party. Nevertheless, ld. Counsel further submits that he shall seek necessary instructions in regard to the Court's proposal that even if defendant no. 6 is deleted, in case plaintiff finds any seller on



the platform of defendant no. 6 selling counterfeit goods of the plaintiff company, on necessary information being supplied to defendant no. 6 on an affidavit by the plaintiff, defendant no. 6 shall take down any such listings.

CS(COMM)- 334/2023

3. Pleadings qua defendants no. 1 & 6 are complete. Matter has already been decreed against defendant nos. 2 & 5.

4. Right of defendant no. 4 to file a written statement has already been closed.

5. Put up for further arguments in IA Nos. 21989/2023 & 22246/2023 on 04.04.2025.

Dr. AJAY GULATI
(DHJS),

JOINT REGISTRAR (JUDICIAL)

FEBRUARY 10, 2025/sk

[Click here to check corrigendum, if any](#)