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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 313/2021 & I.As. 7928/2021, 7929/2021, 13311/2021**
MAHESH EDIBLE OIL INDUSTRIES LIMITED Plaintiff
Through: Mr. Rohit Sharma and Ms. Arju Chaudhary, Advocates.
(M:9958035522)

versus

MAHESH EDIBLE OILS PRODUCTS PRIVATE LIMITED Defendant
Through: Mr. Tanmaya Mehta, Mr. Ankit Virmani, Mr. Sourabh Gupta, Ms. Anunaya Mehta, Mr. Chandra Shekhar M and Ms. Ruchika Agarwala, Advs. (M:9920090570)

(13) **AND**
+ **CS (COMM) 456/2022 & I.As. 10259/2022, 10260/2022, 10261/2022**

BRAJ MOHAN RATHORE Plaintiff
Through: Mr. Tanmaya Mehta, Mr. Ankit Virmani, Mr. Sourabh Gupta, Ms. Anunaya Mehta, Mr. Chandra Shekhar M and Ms. Ruchika Agarwala, Advocates.

versus

MAHESH EDIBLE OIL INDUSTRIES LTD. & ORS..... Defendants
Through: Mr. Jayant K. Mehta, Sr. Advocate.
Mr. Aditya Gupta and Mr. Sauhard Alung, Advocates for D-13.
(M:9425341404)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **08.07.2022**



I.A.10260/2022 (for exemption) in CS (COMM) 456/2022

1. Allowed, subject to all just exceptions.
2. ***I.A.10260/2022*** is disposed of.

I.A.10261/2022 (for Court fee) in CS (COMM) 456/2022

3. The court fee is stated to have been deposited with the Stock Holding Corporation.
4. Let the stamp paper be deposited in Court, within two weeks after the stamp is released by the Stockholding Corporation.
5. ***I.A.10261/2022*** is disposed of.

CS (COMM) 313/2021 & I.As.7928/2021, 7929/2021, 13311/2021
CS (COMM) 456/2022 & I.A.10259/2022

6. These are two suits arising out of disputes among the family members who are the children of Late Ram Babu Rathore. Mahesh Edible Oil Industries Limited/Plaintiff (*hereinafter "Mahesh Edible"*) in ***CS(COMM) 313/2021*** is the flagship company of the said family. The family business is one of manufacture and sale of different kinds of mustard oil under the mark 'SALONI' and related marks. The family business is effected through the flagship company and various other group companies. Sometime in 2019, the Plaintiff in ***CS (COMM) 456/2022***/Mr. Braj Mohan Rathore (*hereinafter "BMR"*), who is one of the children of Late Ram Babu Rathore, appears to have had a dispute with the remaining faction of the family, leading to disputes relating to control of the companies, assets, trademarks, etc. of the family.
7. In 2020, a suit being ***CS(COMM) 142/2020***, was filed by Mahesh Edible, wherein vide order dated 28th May, 2020, a Sole Arbitrator was appointed to adjudicate upon various disputes between the parties, including



the dispute with respect to the trademark license concerning the mark 'SALONI'. In these proceedings, the Id. Arbitrator is stated to have passed the order dated 19th September, 2020, under Section 17 of the Arbitration and Conciliation Act, 1996, which is now stated to be under appeal by the BMR group.

8. In the meantime, the present two disputes have arisen in respect of use of certain trademark(s) by the parties. In **CS(COMM) 313/2021**, the mark 'SAAVLI' being used by BMR, has been challenged by Mahesh Edible, on the ground that it is identical/similar to the mark and trade dress of the family mark 'SALONI'. This is disputed by BMR.

9. In **CS (COMM) 456/2022**, the grievance of BMR is that the directors of Mahesh Edible have started business under a new mark 'SONALI', which according to BMR, dilutes the brand equity in the brand of the family, i.e., 'SALONI'. BMR also claims his share in the mark 'SALONI'. The share of BMR in the said brand 'SALONI' is disputed by Mahesh Edible.

10. After hearing Id. counsels for the parties for some time, it appears that one brother-BMR and his group is on one side, and the families of other three brothers i.e., Late Shiv Kumar Rathore, Mr. Dinesh Kumar Rathore and Mr. Mahesh Rathore are on the other side. The relations between the parties are so acrimonious that it appears that both the groups may not be able to work together going forward. However, both the parties are agreeable to the position that there can be a valuation of the shares of the various businesses and assets, and a split can be effected by means of an amicable resolution.

11. In this view of the matter, as a first step towards amicable resolution, Id. counsels for the parties may coordinate with each other and prepare a



chart of all the assets, which are to be valued for the purpose of determining the shares of each of the brothers and their families. Ld. counsels shall endeavor to file a common list of assets, which may include the goodwill in the business, valuation of the brands, immovable properties and any other tangible/intangible assets. If the parties agree only on some part of the list and there are some disputed items, the same shall be shown as a separate section in the list of assets to be filed by the parties, indicating that these are disputed.

12. Let such a list be produced before the Court on the next date of hearing.

13. In order to attempt an amicable resolution of the disputes, Mr. Dinesh Kumar Rathore, Mr. Mahesh Rathore and Mr. Braj Mohan Rathore shall all join the proceedings physically, on the next date of hearing.

14. List on 1st August, 2022, at 4:00 pm in Chamber.

PRATHIBA M. SINGH, J.

JULY 8, 2022/dk/ms