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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 513/2024 & I.A. No. 5758/2025**
M/S SULTAN CHAND AND SONS PRIVATE LIMITED &
ORS.Plaintiffs

Through: Mr. Saurabh D. Karan Singh,
Advocate.
(M): 8527022200
Email: saurabhdevkaran@gmail.com

versus

FLIPKART INTERNET PRIVATE LIMITED & ORS.....Defendants

Through: Mr. Ankur Sangal with Mr. Ankit
Anand and Mr. Kiratraj Sadana,
Advocates for defendant no. 1.
(M): 9205178872

Email: kiratraj.sadana@khaitanco.com

Mr. Manas Raghuvanshi with
Ms. Kashish Daga, Advocates for
defendant no. 2.

Email: kashish@saikrishnaassociates.com

Mr. Rakesh Mohan, Advocate for
defendant No. 9.

Ms. Chhavi Tokas, Advocate for
defendant no. 18.

(M): 9654850666

Email: chhavi@ira.law

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
04.03.2025

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I.A. No. 5758/2025 (Application under Order XXXIX Rule 2A of CPC)

1. The present application has been filed on behalf of the plaintiff under
Order XXXIX Rule 2A of Code of Civil Procedure, 1908 ("CPC"), read



with Sections 12 and 14 of the Contempt of Courts Act, 1971, seeking initiation of contempt proceedings against defendant nos. 1, 2 and 3 for breach of injunction order dated 31st May, 2024.

2. Learned counsel appearing for the plaintiff submits that there were categorical directions as well as statement on behalf of the defendant no. 1, which have been encapsulated in the order dated 30th July, 2024, in the following manner:

“xxx xxx xxx

3. *It is submitted that in terms of the order dated 31st May, 2024, the defendant no. 1 was under a duty to de-list all the URLs communicated by the plaintiff to defendant no. 1 within 72 hours. However, he submits that the said order dated 31st May, 2024, is not being complied with by defendant no. 1 and that despite lapse of three days, their URLs were not de-listed.*

4. *Per contra, learned Senior Counsel appearing for defendant no. 1 vehemently denies the aforesaid submissions. He submits that the order dated 31st May, 2024 is being complied with, in its letter and spirit. He further submits that the delay occurred on account of the fact that the E-mail which was sent by the plaintiff was sent to the Customer Care Complaint Cell, and not to the E-mail, which deals with the issue of trademark infringement.*

5. *Learned Senior Counsel for defendant no.1, further submits that in future, if any communication is required to be sent by the plaintiff, the same may be sent on the E-mail of the counsel, as well as E-mail of the defendant no. 1, which deals with claim of trademark infringement. The E-mails, as given by learned Senior Counsel for defendant no. 1, are as under:-*

- (i) infringement@flipkart.com
- (ii) project.flipkart@khaitanco.com

xxx xxx xxx”

3. Learned counsel appearing for the plaintiffs submits that despite various communications, the infringing URLs have not been taken down by the defendant no. 1. He further submits that the second E-mail, as recorded



in the order dated 30th July, 2024, has not been active since 12th February, 2025.

4. Per contra, learned counsel appearing for the defendant no. 1, on advance notice, submits that the concerned E-Mail, is now active. He submits that there was some technical glitch for some time, which has since been rectified by its technical team.

5. He further submits that pursuant to the various communications issued on behalf of the plaintiff, all the URLs as indicated by the plaintiffs, have been de-listed.

6. Learned counsel appearing for the defendant no. 1 has further handed over documents showing the proof of taking down of 153 URLs, as communicated by the plaintiffs.

7. The documents handed over by learned counsel appearing for defendant no. 1, are taken on record.

8. This Court notes the statement made by learned counsel appearing for the defendant no. 1 that all the URLs, with respect of which communication was given by the plaintiffs in the month of February, 2025, already stand de-listed.

9. Learned counsel appearing for the plaintiffs submits that if that be the case, he is satisfied.

10. Learned counsel appearing for the defendant no. 1 is directed to share the telephone numbers of the concerned persons dealing with the case with learned counsel appearing for the plaintiffs, so that in case, there is any further URLs which are found infringing by the plaintiffs, the counsels can coordinate with each other in that regard.



11. Considering the aforesaid, the present application is accordingly disposed of.

MINI PUSHKARNA, J

MARCH 4, 2025

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