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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 717/2021 & I.A. 17572/2021, 11822/2022

MARICO LIMITED

..... Plaintiff

Through: Ms. Anuradha Salhotra, Mr. Sumit Wadhwa & Ms. Sharika Jain, Advocates. (M:9899783837)

versus

NARICO AGROVET PRIVATE LIMITED & ANR..... Defendants

Through: Mr. Abhishek Yadav & Mr. Mukeshwar Nath Dubey and Mr. Faraz Anees, Advocates for D-1. (M:9910692949)
Mr. Rohan Ahuja, Advocates for D-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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28.07.2022

I.A. 11822/2022(u/O XXXIX R 2A)

1. This is an application under Order XXXIX Rule 2A CPC filed by the Plaintiff alleging that Defendant No.1 continues to use the name 'NARICO' as part of its trading name 'NARICO AGROVET PRIVATE LIMITED' which is still visible on its website. The Court has also accessed the website and seen that the name 'NARICO' continues to be used by Defendant No.1.
2. Accordingly, issue notice in the contempt application.
3. Let reply to this application be filed within four weeks. Rejoinder be filed within four week, thereafter.
4. List on 27th October, 2022.

CS(COMM) 717/2021 & I.A. 17572/2021 (for stay)

5. Ld. counsel for Defendant No.1 submits that Defendant No.1- Narico Agrovet Pvt. Ltd. has already given up the use of logo/mark 'NARICO' in view of the interim injunction order passed by the Court. However,



Defendant No.1 wishes to continue to retain the word 'NARICO' as part of the company name which is registered with the Registrar of Companies.

6. Ld. counsel for Defendant No.1- Mr. Abhishek Yadav has vehemently urged that this Court does not have the territorial jurisdiction to entertain the present suit. Reliance is placed on two judgments of this Court i.e, paragraph 44 and 45 of ***Banyan Tree Holding (P) Ltd. v. Murali Krishan Reddy 2009 SCC Online Del 3780*** and ***Impresario Entertainment & Hospitality v. S&D Hospitality 246 (2018) DLT 337*** to argue that the Defendant-Company has not sold any products or provided any service within Delhi. The website of Defendant No.1 is not interactive and the business of the Defendant itself has not commenced.

7. On the other hand, Ms. Anuradha Salhotra, ld. Counsel submits that she would like to examine the matter and cite relevant case law. Ld. Counsel for Defendant No.1 submits that though the instructions were that Defendant No.1 would like to retain the trade name, however, since the matter is being adjourned, he would again seek instructions as to whether the party is willing to change the name of the company

8. On behalf of Defendant No.2- IndiaMart, it is submitted by ld. Counsel that the listing of Defendant No.1 has already been disabled. The written statement of Defendant No.2- IndiaMart is taken on record.

9. List for hearing on the objection as to the jurisdiction on 27th October, 2022 and on the contempt application.

PRATHIBA M. SINGH, J.

JULY 28, 2022

dj/sk