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

+ **CS(COMM) 834/2023**

UPAKARMA AYURVEDA PRIVATE LIMITEDPlaintiff

Through: Mr. Darpan Wadhwa, Senior
Advocate with Mr. Hemant Daswani,
Ms. Saumya Bajpai, Mr. Amer Vaid
and Ms. Divita Vyas, Advocates

versus

RASAYANUM ENTERPRISESDefendant

Through: Mr. Anil Goel, Mr. Aditya Goel and
Mr. Pranjal Sharma, Advocates along
with contemnor No.2 and father of
contemnor No.3 in person

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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06.12.2024

I.A. 45368/2024 (under Order XXXIX Rule 2A)

1. Pursuant to the order passed by this Court on 19th November, 2024, Ms. Archana Aggarwal/respondent no.3 and the father of Ms. Riddhi Agarwal/respondent no.2, Mr. Anil Jodhani, are present in Court.
2. Mr. Darpan Wadhwa, Senior Counsel, appearing on behalf of the plaintiff has handed over a packet of the product with the impugned packaging which bears the date of manufacture as September, 2024. The same has been handed over to the respondents who are present in Court today so that they can enquire into the same. The said packaging shall be produced before the Court on the next date of hearing.



3. Mr. Wadhwa has also handed over screenshots from third party websites which are still selling the product bearing the impugned packaging. A copy of the same has been handed over to the counsel for the respondents. Let the same be placed on record by way of an affidavit.

4. The respondents shall file an affidavit explaining as to how these products with the impugned packaging are still available on third party websites. They will also explain in the affidavit as to how the product handed over in court with a manufacture date of September, 2024 is being sold in the market. This affidavit shall be filed within two (2) weeks.

5. The respondents shall also file an affidavit giving complete details of the sales made by them of the impugned product from the date of the injunction order passed by this Court on 22nd March, 2024. Along with the affidavit the relevant extracts from the books of accounts shall also be filed.

6. The respondents shall be present in Court on the next date of hearing.

7. Since none appears on behalf of the respondent no.1, notice be issued to the respondent no.1, Mr. Ayush Aggarwal.

8. The notice shall indicate that he shall be physically present in Court on the next date of hearing.

9. List on 21st February, 2025.

I.A. 41466/2024 (filed by the defendant under Section 151 CPC seeking two months' time to clear the pending inventory)

10. Even though no notice was issued in the present application, a reply has been filed by the plaintiff.

10.1 The same has been taken on record.

11. Counsel for the defendant seeks time to file rejoinder to the same.



11.1 Let the same be filed within two (2) weeks.

12. List on 21st February, 2025.

I.A. 32556/2024 (under Order XXXIX Rule 2A)

13. List on 21st February, 2025.

AMIT BANSAL, J

DECEMBER 06, 2024/ds