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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, Sr. Adv. With
Mr. Hemant Daswani, Ms. Saumya
Bajpai, Ms. Pranjal, Mr. Amer Vaid
and Ms. Dinita Vyas, Advs.

versus

RASAYANUM ENTERPRISESDefendant

Through: Mr. Anil Goel, Advocate

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **08.07.2024**

I.A. 32556/2024 (breach of injunction)

1. By virtue of the present application, plaintiff seeks a direction of holding Mr. Ayush Aggarwal, Mr. Yuvraj Nagpal and Mr. Archana Aggarwal and the non-applicants/ defendants of contempt of order dated 22.03.2024 as well as their personal presence in the Court on the next date of hearing.
2. Learned senior counsel for the plaintiff submits that there has been wilful violation of the order dated 22.03.2024 by the defendants/ contemnors till date as they are still selling the impugned/ enjoined good through their website.
3. Learned counsel for the contemnors on advance notice submits that the said order dated 22.03.2024 passed herein is already under challenge by



the defendant no.1/ contemnor no.1 by way of FAO(OS)(COMM) 80/2024 before the Division Bench, where the orders have since been reserved on 01.05.2024. On a specific query from this Court, learned counsel for the contemnors submits that the said order dated 22.03.2024 still stands, as there was/ is no stay thereof by the Division Bench in favour of the defendant no.1/ contemnor no.1.

4. Issue notice.

5. Learned counsel for the contemnors, after accepting notice, seeks and is granted two weeks for filing reply. Rejoinder thereto, if any, be filed within a period of one week thereafter.

6. Interestingly, a perusal of the records reveal that the plaintiff herein had earlier filed a similar application being IA No. 876/2024 under Order XXXIX rule 2A CPC against the very same contemnors, which is yet to be disposed of.

7. Considering the factual matrix involved as also the aforesaid, let the contemnor nos. 1 to 3 be personally present on the next date of hearing.

8. Renotify on 09.09.2024.

SAURABH BANERJEE, J

JULY 8, 2024/rr