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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 358/2017 & I.As. 6035-6036/2017

RAJ KUMAR GUPTA

..... Plaintiff

Through: Mr. Pankaj Bhatia, Advocate with
Mr. Dhruv Surana, Mr. Nipun Goel and
Mr. Ashish Choudhury, Advocates.

versus

SANJAY GUPTA & ANOTHER

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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17.05.2017

Present suit has been filed for mandatory injunction, rendition of accounts and damages against the defendants.

It has been stated in the plaint that plaintiff is the registered owner of the trademarks SANJOG, LAXMI and SAFARI in respect of Pan Masala/Guthka by virtue of Certificates of Registration dated 26th May, 1992, 19th May, 2003 and 12th March, 2004 issued by the Trade Marks Registry.

It has been further stated in the plaint that the defendants in collusion with each other have commercially misused the plaintiff's trademarks by manufacturing Pan Masala/Guthka and have sold the same with an intent to make profits out of the plaintiff's goodwill.



It has also been stated in the plaint that sale of infringing goods by misusing the plaintiff's trademarks without payment of the Central Excise Duty and VAT has caused loss to the Exchequer as well as incalculable hardships to the plaintiff and the plaintiff had to even undergo judicial custody for the same.

In the opinion of this Court, the averments in the present suit constitutes the plaintiff's defence in the Excise case in which the plaintiff was arrested.

Since the issuance of summons in the present case may be misused in the Excise case, this Court deems it appropriate to implead the Central Excise Department as defendant No.3.

Let an advance copy of the present paper book be served upon the Standing Counsel for the Central Excise Department within a period of two days.

List the matter on 29th May, 2017.

MANMOHAN, J

MAY 17, 2017

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