

OCD-8

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Commercial Division]

CS-COM/111/2024
[OLD NO CS/78/2018]
IA NO: GA-COM/9/2024

INDIAMART INTERMESH LIMITED
VS
ANKIT & ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 12, 2024.

Appearance:

Mr. S. K. Bajoria, Adv.
...for the plaintiff.

Mr. Soumya Roy Chowdhury, Adv.
Mr. A. P. Ray, Adv.
...for the defendant No. 3

Mr. Neel Meson, Adv.
Mr. Phiroze Edulji, Adv.
Ms. Vidhi Udoy Shankar, Adv.
Ms. Priyanka Bhattacharyya, Adv.
Ms. Soumili Chowdhury, Adv.
...for the defendant No. 27

Mr. G. Verma, Adv.
Mr. A. Chowdhury, Adv.
Ms. P. Sah, Adv.
...for the defendant No. 21

The Court: Mr. S.K. Bajoria, learned Counsel, is appearing for the plaintiff. Mr. Soumya Roy Chowdhury, learned Counsel, is appearing for the defendant No. 3. Mr. Neel Meson, learned Counsel, is appearing for the defendant No. 27 and Mr. G. Verma, learned Counsel, is appearing for the defendant No. 21.

Counsel for the defendant No. 21 has filed the present application being GA-COM/9/2024 praying for recalling /modification of the order dated 18th March, 2019 passed in GA/604/2019 in CS/78/2018.

Counsel for the defendant No. 21 submits that by an order dated 18th March, 2019, the domain of the defendant No. 1 was blocked by the Ministry but subsequently, it was unblocked.

Counsel for the defendant No. 1 submits that defendant No. 1 apprehends that the Ministry will again block the domain of defendant No. 1 and as such she prays for modification or clarification of the order dated 18th March, 2019.

After hearing of the parties, this Court finds that the petitioner/defendant No. 21 has relied upon the notice issued to ISPs dated 10th November, 2023 and 15th November, 2023 against which the ISPs have sent the reply on 21st November, 2023 but the petitioner has not disclosed the said notices in the present application.

This Court finds that to decide the present application, notices dated 10th November, 2023 and 15th November, 2023 are very much necessary.

Counsel for the petitioner is given liberty to file supplementary affidavit by disclosing the said two notices within four weeks from date after serving copy to the learned Counsel for the plaintiff and other defendants.

Counsel for the defendant No. 3 submits that defendant No. 3 has been unnecessarily included in the suit and prays for deletion of the name from the suit but Counsel for the plaintiff submits that let defendant No. 3 file an undertaking that they will not use the mark of the plaintiff in future.

In view of the submission made by the Counsel for the plaintiff, defendant No. 3 is directed to file undertaking within four weeks from date stating the fact that the defendant No. 3 will not use the mark of the plaintiff in future.

List this matter on 16th April, 2024.

In the meantime, the appearing defendant will file their written statement.

(KRISHNA RAO, J.)

Sbghosh