

OD 7

IA NO. GA/6/2021
IN CS/78/2018
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

INDIAMART INTERMESH LTD.
VERSUS
ANKIT & ORS.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 17th January, 2022.

[Via Video Conference]

Appearance:
Mr. Utpal Bose Sr. Adv.
Mr. Phiroze Edulji, Adv.
Mr. Debraj Dutta Adv.
Ms. S. Grewal, Adv.

Mr. Rudraman Bhattacharyya, Adv.
Mr. S.K. Bajoria, Adv.

The Court: This is an application for amendment of plaint and for orders on the added defendants/respondents to remove/disable/block all the URLs/videos/pages/You tube Channel which are using and infringing same and/or deceptively similar name/mark to the trademark of the petitioner as could be identified by the said You Tube and/or the petitioner.

I have heard counsel appearing on behalf of the petitioner as well as Mr. Utpal Bose, senior advocate appearing on behalf of You Tube, the added defendant.

Mr. Bose has raised certain technical points and has sought leave to file his affidavit in this matter. It is to be noted that the present dispute after

coming into effect of the Commercial Courts Act, 2015 is a commercial dispute and accordingly, the plaint is required to be returned and filed before the Commercial Court.

Accordingly, the suit is directed to be transferred to the Commercial Division and plaintiff is directed to take steps in accordance with law.

The department is directed to comply with the same at the earliest. In the meantime, directions for affidavits are being given. Let affidavit in opposition be filed within three weeks from date; reply thereto, if any, within one week thereafter. List this matter as a "Motion Matter" four weeks hence.

(SHEKHAR B. SARAF, J.)

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