

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

EC/19/2025

SOCIETE DES PRODUCTS NESTLE S. A. AND ANR.
VS
M/S. KIT KAT FOOD PRODUCTS AND ORS.

BEFORE:

The Hon'ble JUSTICE ANANYA BANDYOPADHYAY

Date: 19th December, 2025.

Appearance:
Ms. Sristi Barman Roy, Adv.
Mr. Sidhartha Sharma, Adv.
Mr. Rishav Dutt, Adv.
Mr. Aman Kataruka, Adv.
...For the Decree-holder
Ms. Tanuka Basu, Adv.
Ms. Shamayeni Fasih, Adv.
...For the Respondent no.4
Mr. K. Kashyap, Adv.
...For Respondent no.3
Mr. Rabindra Nath Pal, Adv.
Ms. Kalyani Dey, Adv.
...For the Joint Special Officers

The Court :- The report filed by the Registrar-in-Charge, Original Side dated 11th December, 2025 be kept on record. It appears that the notice has been served upon the judgment debtor nos. 2, 3 and 4. The notice could not be served upon the judgment debtor nos. 1 and 5.

Despite service of notice none appeared to represent the judgment debtor nos. 2 and 4.

The learned Advocate representing the judgment debtor no.3 submitted that the judgment debtor no.3 had been one of the partners of the partnership firm comprising of judgment debtor nos. 2 and 3, the judgment debtor no. 1 being the partnership firm.

It was further submitted by the learned Advocate representing the judgment debtor no.3 that the partnership firm has been dissolved and they are not continuing in any kind of business transactions as stipulated in the partnership firm agreement.

The learned Advocate representing the judgment debtor no.3 as well as the judgment no.2 are to combinedly file an affidavit stating that the partnership firm in question has been dissolved and are not continuing in any kind of business related to usage of brand name or any name deceptively similar to that of the decree holder in any manner whatsoever in any mode either real or virtual or any other form of e-commerce. If at all there had been any kind of exposition of the decree-holder's brand name or any other name deceptively similar as aforesaid in any avenue, the same must be withdrawn immediately. The judgment debtor nos.2 and 3 are to file their accounts of transactions for the last one year. They are to file a copy of the trade licence with which they continued their business. They are to indicate in the affidavit that they will not continue in any further

business using the name of the decree-holder deceptively similar or similar in nature to confuse the public and deceive the same, to the prejudice of the decree-holder.

Therefore, the aforesaid affidavit is to be filed by 16th January, 2026.

(ANANYA BANDYOPADHYAY, J.)