

Dabur India Limited vs Emami Limited on 14 October, 2022

Author: Jyoti Singh

Bench: Jyoti Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 707/2022

DABUR INDIA LIMITED

..... Plaintiff

Through: Mr. Akhil Sibal, Senior Advocate
with Md. Sazid Rayeen, Mr. Prabhu Tandon,
Ms. Sanya Kumar and Ms. Asavari Jain,
Advocates.

versus

EMAMI LIMITED

..... Defenda

Through: Mr. Abhimanyu Bhandari, Ms. Roohe
Hina Dua and Ms. Ananya Sikri, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 14.10.2022 I.A. 16707/2022 (seeking leave to file additional documents)

1. Present application has been preferred on behalf of the Plaintiff seeking leave to file additional documents under Order 11 Rule 1(4) CPC.

2. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015.

3. Application is allowed and disposed of.

I.A. 16708/2022 (exemption)

4. Subject to the Plaintiff filing original copies with proper margins of the documents, which it may seek to place reliance on, within four weeks from today, exemption is granted.

5. Application is allowed and disposed of.

I.A. 16709/2022 (under Section 151 CPC seeking time to deposit court fees)

6. For the reasons stated in the application, Plaintiff is permitted to file requisite Court Fees within a period of four weeks from today.

7. Application is allowed and disposed of.

I.A. 16710/2022 (Section 12A of the Commercial Courts Act, 2015 seeking exemption from pre-institution mediation)

8. Present application has been preferred on behalf of the Plaintiff seeking exemption from instituting pre-litigation mediation, in accordance with Section 12A of the Commercial Courts Act, 2015.

9. For the reasons stated in the application, Court is of the opinion that Plaintiff is entitled to consideration of the application seeking urgent relief in the present case and is, thus exempted from instituting pre-litigation mediation.

10. Application is allowed and disposed of.

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11. Let plaint be registered as a suit.

12. Issue summons.

13. Mr. Abhimanyu Bhandari, learned counsel enters appearance on behalf of Defendant.

14. Written statement be filed by Defendant within 30 days from today along with an affidavit of admission/denial of the documents filed by the Plaintiff.

15. Replication thereto be filed by Plaintiff within 15 days of the receipt of the written statement along with an affidavit of admission/denial of the documents filed by Defendant.

16. List before the learned Joint Registrar on 19.12.2022.

I.A. 16706/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiff)

17. Present application has been preferred by the Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 for grant of ex-parte ad-interim injunction.

18. Issue notice.

19. Mr. Abhimanyu Bhandari, learned counsel accepts notice on behalf of Defendant and seeks a period of three weeks to file reply.

20. Let reply be filed within a period of three weeks.

21. Learned counsel appearing on behalf of the Defendant, on instructions and without prejudice to the rights and contentions of the Defendant, as a matter of interim arrangement, submits that the impugned advertisement will be rectified by removing the tagline "

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22. In view of the aforesaid and purely as an interim measure, the stand adopted by the Defendant is accepted and taken on record. Defendant shall publish the advertisement without the aforementioned tagline.

23. List before Court on 23.11.2022.

JYOTI SINGH, J OCTOBER 14, 2022/sn/shivam