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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 64/2023, CCP(O) 13/2023, I.As. 2231/2023,
23234/2023, 23235/2023 & O.A. 123/2023**

**JANGEER SINGH TRADING AS JANGEER SINGH
KABULSHAH AGRICULTURE WORKS** Plaintiff
Through: Mr. Vikas Khera and Mr. Ved
Prakash, Advs. (M: 7834897828)
versus

**MALA RAM TRADING AS JANGRA
AGRO INDUSTRIES** Defendant
Through: Mr. Azad Bansala and Dhruv Singh,
Advs. (M: 9997799519)

**CORAM:
JUSTICE PRATHIBA M. SINGH**

ORDER
% **22.11.2023**

1. This hearing has been done through hybrid mode.
2. The present suit under Sections 134 and 135 of the Trade Marks Act, 1999 has been filed by the Plaintiff seeking permanent injunction in respect of the mark 'JANGEER'
3. In the present suit, in terms of the order dated 6th February, 2023, a Local Commissioner was appointed by the Court to prepare inventory of the goods at the Defendant's premises. On the last date *i.e.* 26th July 2023, it was submitted by the Plaintiff that the commission was not permitted to be executed. The report of the Local Commissioner, which is on record, further corroborated that the request of the Local Commissioner to produce books of accounts, stocks, and excise register was not acceded to by the Defendant.
4. Vide order dated 26th July 2023, this Court directed as follows:



“CCP(O) 13/2023

13. The present contempt petition has been filed on behalf of the Plaintiff under Section 11 and 12 of the Contempt of Courts Act, 1971 for the disobedience of the order dated 6th February, 2023 passed by the Court. In the contempt petition, the Court had given the last opportunity to the Defendant to file reply its and directed the Defendant to be present vide order dated 26th April, 2023.

14. The Defendant is not present today despite the previous orders. The last order dated 5th July, 2023 passed by the worthy Jt. Registrar reads as under:

“Written statement filed by defendant has still not come on record and even no one has appeared on behalf of defendant to apprise about the status of the same. Last and final opportunity is granted to defendant to remove the objections and to take steps to bring the same on record before next date of hearing. Matter is already listed before Hon’ble Court for 26.07.2023. Put up before Hon’ble Court on date already fixed i.e. 26.07.2023 for further directions.”

15. Accordingly, let bailable warrants be issued against the Defendant for a sum of Rs.25,000/”

5. On the last date of hearing, bailable warrants were issued against the Defendant. Mr. Mala Ram, on behalf of the Defendant, is present today. Additionally, vide order dated 22nd September 2023, the Id. Joint Registrar closed the Defendant’s right to file the written statement. The Defendant has preferred an appeal under Chapter II Rule 5 of the Delhi High Court



(Original Side) Rules, 2018 against this order bearing *O.A. No.213/2023*. The same has also been filed with delay.

6. A perusal of order of Joint Registrar dated 22nd September, 2023 shows that the written statement was initially filed, and then again refiled on a couple of occasions. Today, Id. Counsel for the Defendant is not ready to argue the matter.

7. In terms of the previous order dated 26th July, 2023,ailable warrants were issued for contempt, in view of the fact that the Defendant disobeyed the order dated 6th February, 2023, and the accounts were not produced by the Defendant to the Local Commissioner. Even today, the accounts have still not been produced.

8. An adjournment is being sought on behalf of the Defendant. Adjournment is granted subject to payment of Rs.10,000/- as costs to the Plaintiff.

9. If by the next date of hearing, reply to the contempt and the accounts are not filed, the Court would proceed in the matter. The Defendant shall also remain present in Court on the next date of hearing.

10. List on 8th February, 2024.

11. Interim order to continue.

PRATHIBA M. SINGH, J.

NOVEMBER 22, 2023/dk/dn