

ITEM NO.15

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C).....CC NO(S).  
25228/2016

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 06/09/2016  
IN MCA NO. 2481/2016 IN MCA NO. 1456/2016 AND DATED 08/08/2016 IN  
MCA NO. 1456/2016 PASSED BY THE HIGH COURT OF GUJARAT AT AHMEDABAD)

M/S DHARTI SOAP FACTORY

PETITIONER(S)

VERSUS

M/S NAVCHETAN DETERGENT PRODUCT

RESPONDENT(S)

(WITH APPLN. (S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

Date : 23/01/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. S.B. Upadhyay, Sr. Adv.  
Mr. Pawan Upadhyay, Adv.  
Mr. Sarvjit Pratap Singh, Adv.  
Mr. Nishant Kr., Adv.  
for Unuc Legal Llp, Adv.

For Respondent(s)

Mr. K.V. Vishwanathan, Sr. Adv.  
Mr. Sagar Chandra, Adv.  
Mr. Mishra Saurabh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed  
order.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.838-839 OF 2017  
[Arising out of SLP (Civil)  
No.2396-2397/2017 @ SLP(C)... CC  
No.25228/2016]

M/S DHARTI SOAP FACTORY                      ...APPELLANT

VERSUS

M/S NAVCHETAN DETERGENT  
PRODUCT    ...RESPONDENT

ORDER

1.            Delay condoned.
2.            Leave granted.
3.            Having heard the learned counsels  
for the parties we are of the view that the  
High Court was not correct in going into  
the issue of maintainability of the suit at  
the stage of deciding the prayer of the  
appellant for transfer, particularly, when  
applications(s) under Section 10 and Order  
VII rule 11 of the Code of Civil Procedure,

1908 (in appeal) were pending and petition under Section 142(2) of the Trade Marks Act, 1999 filed by the defendant(s) was also pending. Therefore, while maintaining the order of the High Court refusing transfer we set aside the other findings as above and would now request the learned trial Court to decide the said issues.

4. The appeals are disposed of in the above terms.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(ASHOK BHUSHAN)

NEW DELHI  
JANUARY 23, 2017