

(2019) 07 DEL CK 0247

In the Delhi High Court

Case No : Civil Suits (OS) No. 453, 480, 531, 550 Of 2018

Amway India Enterprises Pvt. Ltd

APPELLANT

Vs

Adinath Enterprises & Ors

RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Code Of Civil Procedure, 1908 — Order 7 Rule 11

Citation : (2019) 260 DLT 690 : (2019) 79 PTC 425

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Sudhir Chandra, Sohan Singh Rana, Bindra Rana, Priya Adlakha, Tulip De, Ashish Sharma, Ruhee Passi, Siddharth Batra, Garima Sehgal, Vishwajeet Arora, Prateek Tewari, Dayan Krishnan, Nitin Sharma, Sanjeev Seshadri, Disha Sharma

Final Decision : Disposed Off

Judgement

Prathiba M. Singh, J

CS(OS) 453/2018 and I.A. 12419/18 (for stay) and 14613/18 (u/O VII Rule 11 CPC)

1. A batch of seven suits viz. CS (OS) 410/2018, CS(OS) 453/2018, CS (OS) 480/2018, CS(OS) 531/2018, CS(OS) 550/2018, CS(OS) 75/2019 and

CS(OS) 91/2019 having overlapping issues were heard by this Court from time to time. The interim applications and the application under Order VII

Rule 11 CPC filed in this suit have been disposed of vide a detailed common judgment dated 8th July, 2019, in CS(OS) 410/2018. For detailed

judgment, refer to CS(OS) 410/2018.

2. However, the operative portion of judgment dated 8th July, 2019, in respect of the present applications, reads as under:

328. The Plaintiff in the present suit is M/s Amway India Enterprises Pvt. Ltd. The present suit already stands decreed against Defendant No.7

M/s Xecute India vide order dated 26th November, 2018, and against Defendant No.1 M/s Adinath Enterprises, and Defendant No.5 M/s

Ravinder & Co., vide order dated 10th January, 2019.

329. The injunction application, being I.A. 12419/2018, qua Defendant No.2 M/s Beant Healthcare, Defendant No.3 M/s Beant Buildwell (P.)

Ltd., Defendant No.4 M/s Vivid Solutions, Defendant No.6 M/s Raman Enterprises, Defendant No.8 M/s Aarjav International, and

Defendant No.9 M/s Jasper Infotech Pvt. Ltd. (Snapdeal) is disposed of in the following terms:

a) Defendant Nos.2, 3, 4, 6, and 8, i.e., the sellers are restrained by, an interim order of injunction, from advertising, displaying, offering for sale

products of the Plaintiff, namely Amway products, on the e-commerce platform www.snapdeal.com or on the mobile application Snapdeal, or any

other ecommerce platform or online mobile applications, without the consent of the Plaintiff - Amway.

b) Defendant No.9 - M/s Jasper Infotech Pvt. Ltd., which runs the website, www.snapdeal.com and mobile application - Snapdeal, is restrained from

displaying, advertising, offering for sale, selling, facilitating repackaging of any of the Plaintiff - Amway's products on its website

www.snapdeal.com and mobile application Snapdeal, except of those sellers who produce written permission/consent of the Plaintiff for listing of

the Amway products on the Snapdeal platform/mobile application.

c) In case of the sellers, if any, who produce consent given by the Plaintiff-Amway, allowing sale of its products through e-commerce platforms,

Defendant No.9, Snapdeal shall, clearly, provide the name, address and contact details of the said sellers, including the telephone numbers, email

address, etc., in a prominent manner, along with the product description.

d) If the Plaintiff finds during the pendency of the suit that any of the sellers have displayed its products on the Snapdeal platform or mobile application

without its consent, then it shall give notice to Snapdeal for taking down the listings of such sellers, which shall be duly taken down within a period of

36 hours, by Snapdeal.

330. Insofar as I.A. 14613/2018, filed by Defendant Nos.2 and 3 under Order VII

Rule 11 CPC is concerned, in light of the facts and circumstances of the case, and the findings given above, the Defendants have failed to make out a case for rejection of the plaint, at this stage. The I.A. is accordingly, dismissed in the above terms.

331. List the suit, being CS(OS) 453/2018 for hearing on 24th September, 2019, along with all connected matters.â??

3. The I.As. stand disposed of in the above terms.