

(2019) 07 DEL CK 0246

In the Delhi High Court

Case No : Civil Suits (OS) No. 91 Of 2019

Oriflame India Pvt. Ltd

APPELLANT

Vs

Dinender Jain & Ors

RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Citation : (2019) 07 DEL CK 0246

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Balbir Singh, Mahesh B. Chhibber, Karan Chopra, Mehak Khanna, S.N. Thyagrajan, Jayant Mehta, Manav Kumar, Nupur, Sajal Jain, Saikrishna Rajagopal, Sidharth Chopra, Sneha Jain, Savni Dutt, Devvrat Joshi, Nilofar Absar, Abhijit Vachher

Final Decision : Disposed Off

Judgement

Prathiba M. Singh, J

I.A.2238/2019 (u/Order XXXIX Rules 1 and 2 CPC) in CS(OS) 91/2019

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 application filed in this suit has 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 application, reads as under:

â??336. The Plaintiff in the present suit is M/s Oriflame India Pvt. Ltd. The injunction application, qua Defendant No.1 â?" Mr. Dinender Jain,

Defendant No.2 " M/s Cloutail India Pvt. Ltd., Defendant No.3 " M/s Vardhman Training Company, Defendant No.4 " M/s Kusum

Enterprises, Defendant No.5 " M/s Wholesale Hub, and Defendant No.6 - M/s Amazon Seller Services Pvt. Ltd. is disposed of in the following

terms:

a) Defendant Nos.1 to 5, i.e., the sellers are restrained by an interim order of injunction from advertising, displaying, offering for sale products of the

Plaintiff, namely Oriflame products, on the e-commerce platform www.amazon.in or on the mobile application - Amazon Online Shopping, or any

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

b) Defendant No.6 - Amazon Sellers Services Pvt. Ltd. is restrained from displaying, advertising, offering for sale, selling, facilitating repackaging of

any of the Plaintiff " Oriflame"s products on its website www.amazon.in and mobile application Amazon Online Shopping, except of those

sellers who produce written permission/consent of the Plaintiff for listing of the Oriflame products on the Amazon platform/mobile application.

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

Defendant No.6 - Amazon 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 Amazon platform or mobile application

without its consent, then it shall give notice to Amazon for taking down the listings of such sellers, which shall be duly taken down within a period of 36

hours by Amazon."

3. The I.A. stands disposed of in the above terms.