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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ FAO(OS) 249/2017 and CM No.32660/2017

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Date of decision : 31st October, 2017

M/S DABUR INDIA LTD

..... Appellant

**Through : Mr. Sudhir K. Makkar, Sr. Adv.
with Ms. Meenakshi Singh, Ms.
Saumya Gupta and Ms. Ridhi
Munjal, Advs.**

versus

M/S PATANJALI AYURVED LTD

..... Respondent

**Through : Mr. Rajiv Nayyar, Sr. Adv.
with Mr. Simranjeet Singh, Mr.
Rohan Ahuja,
Ms. Sonali Dhir and
Mr. Siddharth Mahajan, Advs.**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This appeal was filed before us complaining that by an order dated 01st September, 2017, the appellant/plaintiff had not been granted ex-parte interim injunction in IA No.10013/2017 (u/O XXXIX Rules 1 & 2) in CS(OS) No. 407/2017 by way of which the appellant/plaintiff had prayed for damages of mandatory and

permanent injunction against the respondent/defendant. The appellant had *inter alia* complained of disparagement in advertisements issued by the respondent. On a prima facie consideration, by an order dated 7th September, 2017, we had directed as follows :

“(i) the respondents, its directors, distributors, officers, employees, agents, etc are restrained from telecasting or circulating the impugned advertisement or in any other manner directly or indirectly disparaging the goodwill and reputation of the appellant and any of its products in the ‘Chyawanprash’ category including advertisement(s) in the social media or any other electronic or print media whatsoever till the next date of hearing.”

2. We are informed that the matter was posted before the learned Single Judge and the respondents have entered appearance in the matter. The application for injunction before the learned Single Judge is stated to be now listed on 28th November, 2017.

3. We are informed by Mr. Rajiv Nayyar, learned Senior Counsel that the respondents have already filed their written statement and reply to the injunction application. The plaintiff shall ensure that the pleadings are completed and the matter is proceeded for hearing on the next date of hearing before the learned Single Judge.

4. Learned counsel for both sides pray that this appeal may be disposed of for disposal of the application for injunction before the learned Single Judge on 28th November, 2017.

5. We accordingly dispose of this appeal with a direction that the interim order dated 7th September, 2017 shall continue to operate till disposal of IA No.10013/2017 in CS(OS) No. 407/2017.

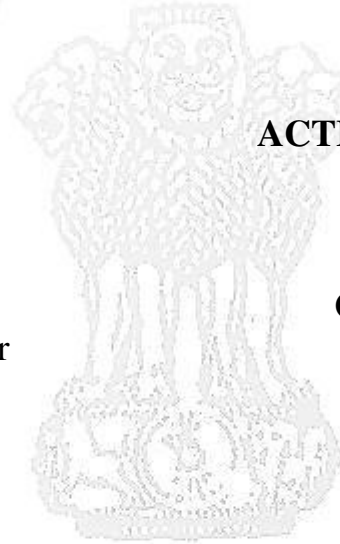
6. It is made clear that by the impugned order dated 7th September, 2017, we have not expressed any opinion on the merits of the rival claims and the learned Single Judge shall hear the matter uninfluenced by the order which we have passed.

7. This appeal and application are disposed of in the above terms.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 31, 2017/kr



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