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

+ CS(COMM) 187/2018 & I.A.12477/2018

KRISHI RASAYAN EXPORTS PVT LTD Plaintiff
Through Mr.Saurabh Kripal, Mr.Amit Tyagi,
Mr.Haridutt Kumar Mishra, Mr.G.S.
Gangwar, Advocates.

versus

OSWAL KRISHI RASAYAN EXPORT Defendant
Through Mr.Amarendra Kumar Dubey,
Advocate.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **31.01.2019**

1. Learned counsel for the plaintiff submits that the defendant has violated the para 5 of the order dated 14th November, 2018 which is reproduced hereunder:

“5. The plaintiff does not press for the other reliefs subject to the defendant destroying impugned material including blocks, labels, display boards, sign boards, trade literatures and goods containing the impugned name in the presence of the plaintiff’s representative within a period of six weeks from today. The plaintiff’s representative shall visit the defendant’s office as mentioned in the memo of parties on 18th December, 2018 at 3:00 P.M. for compliance of the aforesaid direction.”

2. Learned counsel for the plaintiff submits that the defendant has sold the impugned material after 14th November, 2018 and still some more material is lying with the defendant.

3. Mr. Ramesh Bansal, Director of the defendant present in Court submits that some material was prepared by mistake after 14th November,

2018 but the same was later on withdrawn. It is further submitted that the impugned material bearing marks 'KRI' or 'Krishi Rasayan' to the tune of about Rs.4 crores is lying in various godowns. It is submitted that the defendant shall change the label of the said material before selling it in the market.

4. The defendant is directed to place on record along with an affidavit the particulars of the stock of the impugned material as on 14th November, 2018, the details of the impugned stock manufactured after 14th November, 2018, details of the impugned stocks sold by the defendant after 14th November, 2018 as well as the details of the impugned stock presently lying with the defendant along with the supporting documents including the copies of the stock register within one week from today. The defendant shall produce the original stock register before this Court on the next date of hearing.

5. The Director of the defendant present in Court submits that the plaintiff's representative can inspect the depots.

6. Learned counsel for the plaintiff submits that a Local Commissioner be appointed to verify the stocks. This prayer shall be considered on the next date of hearing.

7. List for further hearing on 13th February, 2019.

8. The defendant shall remain present in Court on the next date of hearing.

9. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

JANUARY 31, 2019

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