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

+ CS(OS) 620/2018

FOREVER LIVING IMPORTS (INDIA)

PRIVATE LIMITED

..... Plaintiff

Through Mr.Sohan Singh Rana, Ms.Priya
Adlakha and Mr.Ashish Sharma, Advs.

versus

KHALSA ENTERPRISES & ORS.

..... Defendants

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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26.02.2019

1. Service report is awaited qua defendants Nos. 2 to 4. However, as per the affidavit of service filed by the plaintiff, defendants No. 2 to 4 have been served based on the tracking report.
2. This suit is filed seeking a decree of permanent injunction to restrain the defendants, their partners, proprietors, directors, agents, sellers, etc. directly or indirectly purchasing, possessing, importing, selling, distributing or offering for sale or displaying plaintiff's 'Forever Living Products' through any e-commerce website, market place, wholesale or retail shop etc. A decree of permanent injunction is also sought to direct the defendants to handover to the plaintiff all the 'Forever Living Products' and advertising materials in their illegal possession.

3. The case of the plaintiff is that the plaintiff is a nationwide distributor of the global brand 'Forever Living Products' of Aloe Vera of America. On 15.02.2011, the Aloe Vera of America (AVA) signed a Trademark and Marketing Agreement with the plaintiff granting exclusive rights to the plaintiff to utilize the proprietary trademark and marketing rights for selling AVA's 'Forever Living Products' in India. The plaintiff was also granted authorization to sublicense such trademark rights, the right to use trade names 'Forever Living', 'Forever Living Products', etc. and all associated trademarks in India for the purpose of selling 'Forever Living Products' in India and to use AVA's proprietary marketing plan to sell, market and distribute the said products within India. The plaintiff also entered into a similar Trademark and Marketing Sublicense Agreement with FLP Trading Pvt. Ltd.

4. It is pleaded that in September 2018, the plaintiff received information that 'Forever Living Products' are being sold on an e-commerce website, namely, www.khalsaenterprises.in at unwarranted discounts and it is eating the entire business of the plaintiff. The said website has made a false declaration that they are the Distributor of Forever Living Products. Defendant No. 1-Khalsa Enterprises who is running the website is not a registered distributor of the plaintiff. These products were also found on some other websites.

5. The plaintiff's representative placed an order of 'Forever Living Products' from the impugned website for which invoices were issued in the name of defendant No. 1 and defendant No. 2. The defendants are said to be illegally importing the products from the Middle East Countries and are selling them in Indian markets without permission and without the

mandatory declaration including importer's name, MRP, Vegetarian sign, etc.

6. Essentially the grievance of the plaintiff is that in terms of the agreement dated 15.02.2011, they have the exclusive rights to sell the Forever Living Products in India. It is pleaded that the defendants are illegally offering for sale the plaintiff's Forever Living Products without any authorisation or permission from the plaintiff.

7. Defendants have been served for more than 30 days ago. They have not entered appearance nor they have filed their written statement.

8. In view of the above, under Order 8 Rule 10 CPC, in my opinion, it is a fit case to pass a decree in terms of under Order 8 Rule 10 CPC. Accordingly, a decree is passed in favour of the plaintiff and against the defendants in terms of paras 47(a) to 47 (d) of the plaint. The plaintiff shall also be entitled to costs. Bill of costs may be filed within two weeks from today.

9. The suit stands disposed of.

10. All pending application also stands disposed of.

JAYANT NATH, J

FEBRUARY 26, 2019

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