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

+ **CS(COMM) 752/2024 & I.A. 38225/2024**

M.K. SRINIVASAN AND ANOTHER

.....Plaintiffs

Through: Mr. Essenese Obhan and Ms. Yogita Rathore, Advocates (through VC)

versus

CHEMSOL INDIA AND ANOTHER

.....Defendants

Through: Mr. Vikas Kakkar, Mr. Anshul Dixit and Mr. Dilip Kr. Rana, Advocates.
Mob: 9718503084
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

13.11.2024

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1. Mr. Vikas Kakkar, learned counsel appearing for the defendants submits that defendant no. 1 is only a dealer and not the manufacturer of the goods in question.
2. He further submits that defendant no. 2 is only an authorised signatory of defendant no. 1, therefore, is not a necessary party.
3. Learned counsel appearing for the defendants further submits that the principal, i.e., the manufacturer of the goods in question, has not been impleaded in the present matter, *qua* which arbitration proceedings are already pending in Bangalore under Section 9 of the Arbitration and Conciliation Act, 1996.
4. Learned counsel appearing for the defendants further submits that he



has nothing to do with the plaintiffs' marks, and shall not use or deal with the marks of the plaintiffs in future.

5. He further undertakes that the defendants shall not sell the products under the marks of the plaintiffs.

6. Ms. Yogita Rathore, learned counsel appearing for the plaintiffs submits that in view of the statement made by the defendants, the plaintiffs are satisfied.

7. The defendants are held bound by their statement and undertaking made before this Court.

8. Accordingly, noting the aforesaid statement and undertaking made by learned counsel appearing for the defendants, proceeding in the present suit, is closed.

9. In view of the fact that the present matter is being disposed of on the undertaking of the defendants at a nascent stage and even the proceedings in the matter are not complete, the Registry is directed to issue a certificate of refund of full Court Fees to the plaintiff.

10. The present suit is accordingly disposed of, along with the pending application.

MINI PUSHKARNA, J

NOVEMBER 13, 2024

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