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

+ **CONT.CAS(C) 317/2015**

M S DHONI & ANR.

..... Petitioners

Through: None

versus

AJJAY R AGARWAL (CHAIRMAN & MANAGING DIRECTOR)
MAXX MOBILINK PVT LTD Respondent

Through: Mr. Sanjeev Bhadari, Mr. Amit Dhall,
Ms. Anvita Bhandari, Mr. Vaibhav &
Mr. Rajat Srivastava, Advs.
M: 9811920714
Email: amitdhall@yahoo.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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11.03.2024

1. The present petition has been filed alleging willful disobedience of the order dated 17th November, 2014 passed in *OMP No. 1435/2014*.
2. By way of the aforesaid order, respondent had been directed to refrain from selling any product(s) which use or claim to have been endorsed by petitioner no.1 or in any other manner suggest that petitioner no.1 is associated with the respondent.
3. Learned counsel appearing for the respondent submits that the respondent- company is under liquidation and that the respondent has not been selling the products in question. He further submits that the Mobile Phone, i.e., Maxx Mobilink, containing the picture of the petitioner, has



become outdated long back, at least six/seven years ago and the said Mobile Phone is not in use.

4. He further submits that the respondent has also tendered unconditional apology time and again.

5. Attention of this Court has been drawn to the affidavit dated 07th July, 2023 filed by the respondent, wherein, it has been recorded as follows:

“xxx xxx xxx

1. That I say that the present Affidavit is being filed pursuant to the order passed by this Hon’ble Court, dated 10.01.2020 and thereafter on 08.05.2023. The Respondent tenders unconditional apology from this Hon’ble Court for delay in filing the present affidavit.

2. That I say that M/s. Maxx Mobilink Pvt. Ltd. is under liquidation pursuant to the order passed by the Hon’ble Bombay High Court dated 05.01.2018 and the liquidator, has already obtained the possession of the entire books of accounts, ledgers, stocks etc. On 15.10.2018 and the Deponent has already filed the Affidavit dated 11.10.2019, and has annexed the copy of the Inventory list dated 15.10.2018, prepared by the learned Official Liquidator appointed by the Hon’ble Hight Court of Bombay.

*3. That I say that in the affidavit dated 28.07.2016, the Deponent has disclosed that MX 131, having a quantity of 12650 Pcs. do not contain the image of the Petitioner. The Zerox copy of the box, of which coloured copies have been obtained, is annexed as **ANNEXURE R-1** to this Affidavit.*

4. I say that the no stocks have been sold having the image of the petitioner as the PCS NO.12650, MX131 does not.bear the image of the petitioner.

xxx xxx xxx”

6. Perusal of the aforesaid shows that it is the clear stand on behalf of the respondent that no stocks have been sold having the image of the petitioner. Further, the quantity of 12,650 pieces of Mobile Phone MX131, do not contain the image of the petitioner.



7. Accordingly, the present contempt proceedings are closed.

MINI PUSHKARNA, J

MARCH 11, 2024/kr