

OCD-6

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
COMMERCIAL DIVISION
ORIGINAL SIDE

CC-COM/2/2025

SHANKAR ENGINEERING WORKS AND ORS
-VS-
SHIW NATH SINGH AND ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : July 17, 2025.

Appearance :

Mr. S. Sengupta, Adv.

Mr. T.K. Jana, Adv.

Mr. Gopal Das, Adv.

Mr. Sourav Jana, Adv.

...for the petitioners

Mr. Masud Karim, Adv.

...for the alleged contemnor Nos. 1 & 2.

Mr. Debdutta Raha, Adv.

...for the alleged contemnor No. 3

1. The plaintiff has filed the present contempt application on the allegation that the alleged contemnors have violated the order passed by this Court dated 3rd October, 2024 in GA-COM/1/2024 in IP-COM/34/2024.
2. The plaintiff has filed the contempt application relying upon the tax invoices dated 16th December, 2024 of "Calcutta Pipe Fitting Store" with regard to sale of the hand pump with the mark "ASHU MAYA". The plaintiff has also disclosed the photograph of the hand pump having the mark "ASHU MAYA". The alleged contemnors have appeared in person as per Rule issued by this Court and have filed their respective affidavits.

3. Learned Counsel appearing for the alleged Contemnors nos. 1 and 2 submits that the invoices and the photographs relied by the petitioner on the basis of which the present contempt application is filed are not of the alleged contemnor nos. 1 and 2 and the alleged contemnor no. 2 is no way connected for selling of the hand pump with the mark "*ASHU MAYA*"
4. Learned Counsel for the defendant nos. 1 and 2 also brought to the notice of this Court the affidavit filed by the alleged contemnor no. 3 in paragraph-4 whereof the contemnor no. 3 has stated that he has already "stopped selling of products of contemnor nos. 1 and 2 under the trademark "*ASHU MAYA*" in any manner whatsoever" and he will never sell of the product of the contemnor nos. 1 and 2 in future.
5. Counsel for the defendant no. 1 and 2 submits that he has never sold any hand pump with the trademark "*ASHU MAYA*" to the contemnor nos. 3 and such said statement is incorrect.
6. Learned Counsel appearing for the alleged contemnor no. 3 submits that the contemnor no. 3 has filed an affidavit praying for unconditional apology before this Court and also filed undertaking before this Court that he will not sell the product i.e. hand pump with the mark of "*ASHU MAYA*"
7. Learned Counsel for the plaintiff submits that as all the contemnors have filed their affidavits giving an undertaking that they will not use the mark "*ASHU MAYA*" by selling the hand pump and as such nothing remains in present application and he prays disposal of the present contempt application.

8. Considering the submissions made by the Counsel for the respective parties, perused the affidavits filed by the alleged contemnors, this Court finds that alleged contemnors have given undertaking before this Court that they will not use the mark of the plaintiff in hand pump as “*ASHU MAYA*” and they will not sell the product with the mark of “*ASHU MAYA*” in future.
9. In view of the above, this Court found that the undertaking filed by the alleged contemnors can be accepted and accordingly it is accepted.
10. In view of the undertaking given by the alleged contemnors, contempt proceeding is dropped. Rule, if any, issued stands discharged.
11. CC-COM/2/2025 is disposed of.

(KRISHNA RAO, J.)