IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-5833-2025 (O&M)
Date of decision : 29.11.2025
Pronounced on : 08.12.2025

M/s Orange Overseas Private Limited ...Petitioner

Versus

Karan Thakral and others ...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Munish Jolly, Advocate for the petitioner.

HARPREET KAUR JEEWAN, J.

1. Prayer in the present petition is for initiating proceedings under Sections 10 & 12 of the Contempt of Courts Act, 1971 *(for short, the Act')* for alleged willful disobedience of the order dated 10.08.2017 (Annexure P-2) and order dated 14.07.2025 (Annexure P-5), passed by the Civil Judge, Gurugram.

2. As per the brief facts, a decree for recovery dated 12.03.2015 (Annexure P-1) was passed in favour of the petitioner-plaintiff-Company. The petitioner filed execution proceedings. Initially, the Executing Court issued restrain order dated 10.08.2017 (Annexure P-2), whereby, the respondent-defendants-Judgment Debtor (JD) were restrained from alienating the property till further orders. The said order was stayed by this Court in a Revision Petition (CR-3219-2024), subject to furnishing security of Rs.45.00 Lakh vide order dated 24.05.2024 (Annexure P-3). The stay so granted was vacated vide order dated 15.10.2024 (Annexure P-4), since the security was not furnished. Thereafter, the decree-holder/petitioner filed application under Order XXI Rules 41 & 58 of the Code of Civil Procedure, 1908

ATUL SETHI
2025.12.08 17:20
I attest to the accuracy and
authenticity of this document
Chandigarh

(for short, 'the CPC'), wherein, the Executing Court issued warrants of attachment *qua* the trademark in question vide order dated 14.07.2025 (Annexure P-5). Ultimately, the SHO concerned, and the Bailiff were directed to comply with the said order as per the directions issued by the Executing Court vide order dated 30.07.2025 (Annexure P-6).

3. Learned counsel for the petitioner contends that the order dated 10.08.2017 (Annexure P-2) and the subsequent order dated 14.07.2025 (Annexure P-5) have been violated by the JD by selling off their assets and by transferring the trademark to some other party. It is further contended that on 30.07.2025, the JD through his counsel submitted an application seeking review of the order dated 14.07.2025 (Annexure P-5), whereby attachment *qua* the trademark in question was ordered by the Executing Court; which indicates that the JD was aware about the stay order. Despite that, the respondent(s)-JD are continuing with the business through a different Company, but with the same trademark. In this regard, reference has been made to the tax invoices (Annexure P-7).

4. I have considered the aforesaid submissions and perused the paper-book.

5. As per the order dated 14.07.2025, warrants of attachment *qua* the trademark in question stood issued by the Executing Court and the subsequent order dated 30.07.2025 reflects that warrants of attachment *qua* list of properties of the JD were received back unserved for want of correct address, whereas warrants of attachment *qua* trademark were not received back in any manner. As such, the Executing Court observed that the report of the warrants of attachment *qua* trademark is awaited for the date fixed. The copy of the said order

ATUL SETHI
2025.12.08 17:20
I attest to the accuracy and
authenticity of this document
Chandigarh

has been ordered to be sent to the concerned SHO as well as the *Bailiff* for information and necessary compliance by the Executing Court.

6. In such circumstances, the allegations that the respondent-JD has intentionally violated the directions of the Executing Court as well as the order of attachment by continuing with the business through a different company name by using the same trademark requires evidence.

7. In a matter where the order of *status quo* was alleged to have been violated, the larger Bench of this Court in ***CACP-20-2016***, titled as ***Rajbir and others Vs. Raj Singh (since deceased) through LRs,*** decided on 14.10.2024, has observed that the appropriate motion/ remedy available to the aggrieved party is an application under Order XXXIX Rule 2 of the Code of Civil Procedure, 1908 before the Civil Court of competent jurisdiction instead of preferring a contempt petition.

8. In view of the above facts and circumstances and the decision by the larger Bench in ***Rajbir (Supra)***, no case is made out for initiation of proceedings under Sections 10 & 12 of the Act.

9. As such, the present petition is dismissed with liberty to the petitioner to avail appropriate alternative remedy, as per law.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

08.12.2025 **[HARPREET KAUR JEEWAN]**
atulsethi **JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

ATUL SETHI
2025.12.08 17:20
I attest to the accuracy and
authenticity of this document
Chandigarh