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

+ **O.M.P.(I) (COMM.) 300/2024**

RITU LAW CHAUHAN

.....Petitioner

Through: Mr. Samaksh Goyal, Advocate.

versus

GAURI SAWHNEY ROY & ORS.

.....Respondents

Through: Mr. Siddhant Kumar Singh, Advocate
for Respondent No.1
Ms. Nazia Parveen, Advocate for the
SBI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

22.01.2025

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1. The present petition under Section 9 of the Arbitration and Conciliation Act, 1996 ('A&C Act') has been filed by the Petitioner with the following prayers:-

“a) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner and against the Respondent No. 1 restraining the Respondent No. 1 and her assigns, representatives and affiliates by directing the Respondent No.1, her assigns, representatives, in any manner, to manage or operate or deal with the bank account of the partnership firm existing with the Respondent No. 2 bank having account number 50200031870761 through any mode or to withdraw any money lying in the said bank account;

b) Allow the Petitioner to exclusively manage and operate the bank account of the partnership firm



existing with the Respondent No. 2 bank having account number 50200031870761 to the extent of clearing any statutory dues, or taxes, her salary difference and/or to make any payments towards salaries;

c) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner and against the Respondent No. 1 restraining the Respondent No. 1 and her assigns, representatives and affiliates by directing the Respondent No.1, her assigns, representatives, in any manner, to manage or operate or deal with the bank account of the partnership firm existing with the Respondent No. 3 bank;

d) Direct the Respondent No. 1 and her assigns, representatives affiliates to file a certified copy of the bank account statement pertaining to the bank account maintained with the Respondent No. 3 bank from the date the Respondent No. 1 opened the said account till the date such date as this Hon'ble Court deems appropriate & to also provide a certified copy of the said statement as stated hereinabove to the Petitioner;

e) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, representatives and affiliates from soliciting or communicating with any client(s) of the Partnership Firm "The Linking Tree Consulting" in any manner whatsoever & direct the Respondent No. 1 to give an undertaking to this effect before this Hon'ble Court within such time as this Hon'ble Court deems appropriate;

f) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, representatives and affiliates to use or associate with the name or mark(s)



or goodwill or any asset of “The Linking Tree” as well as “The Linking Tree Consulting” and to use or associate with the name “The Linking Tree” and “The Linking Tree Consulting” or to use or associate with a combination of the words containing “Linking” and “Tree” and “Consulting” or a combination similar to “Linking” and “Tree” and/or “Consulting” & give an undertaking to this effect before this Hon’ble Court within such time as this Hon’ble Court deems appropriate;

g) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, agents, representatives and affiliates to pursue with the application number 6518935 and 6527213 filed by the Respondent No. 1 before the Trade Marks Registry seeking registration of the trademark/name “The Linking Tree” and “The Linking Tree Consulting” in her favour & give an undertaking to this effect before this Hon’ble Court within such time as this Hon’ble Court deems appropriate;

h) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, agents, representatives and affiliates to register or publish or host the website having the Secondary Domain “thelinkingtreeconsulting” or a combination of the words containing “Linking” and “Tree” and “Consulting” or a combination similar to “Linking” and “Tree” and/or “Consulting” either containing the Top Level Domain “.com” or containing any other TLD & give an undertaking to this effect before this Hon’ble Court within such time as this Hon’ble Court deems appropriate;

i) Pass an ex-parte ad interim order of temporary



injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, agents, associates, representatives and affiliates from soliciting or communicating with any client(s) of the Partnership Firm “The Linking Tree Consulting” in any manner whatsoever & direct the Respondent No. 1 to give an undertaking to this effect before this Hon’ble Court within such time as this Hon’ble Court deems appropriate;

j) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, agents, associates, representatives and affiliates from organizing or carrying out any programs, sessions, modules, activities etc. for any third party, either directly or indirectly, in the name of or on behalf of “The Linking Tree Consulting” in any manner whatsoever & direct the Respondent No. 1 to give an undertaking to this effect before this Hon’ble Court within such time as this Hon’ble Court deems appropriate;

k) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, agents, associates, representatives and affiliates from organizing or carrying out any programs, sessions, modules, activities etc. for any third party, either directly or indirectly, in the name of or on behalf of “The Linking Tree Consulting” in any manner whatsoever & direct the Respondent No. 1 to give an undertaking to this effect before this Hon’ble Court within such time as this Hon’ble Court deems appropriate;

l) Pass an ex-parte ad interim order of temporary injunction in favour of the Petitioner restraining the Respondent No. 1, her assigns, agents, associates, representatives and affiliates to use any training



material of the Partnership Firm or bearing the name of the Partnership Firm & give an undertaking to this effect before this Hon'ble Court within such time as this Hon'ble Court deems appropriate;

m) Pass any other ex-parte ad interim order of temporary injunction against the Respondent No. 1, her assigns, agents, associates, representatives and affiliates as this Hon'ble Court may deem appropriate or necessary;

n) Pass any further order(s) as may be required in the facts and circumstances.”

2. The facts in brief indicate that the Petitioner and Respondent No.1 has constituted a Partnership Firm in the name and style of “The Linking Tree Consulting”. It is stated that a Partnership Deed dated 14.04.2018 was entered into between the Petitioner and Respondent No.1. It is stated that the business of the said firm was of HR training programs, educational programs and various other leadership and team building programs aimed at the growth of individuals, teams and organizations. It is stated that since the disputes have arisen between the parties and therefore, the Petitioner has approached this Court for the reliefs as indicated above.

3. On 05.09.2024, this Court after taking note of the allegations, passed the following Order:-

“19. Till further orders, Respondent 1 shall stand restrained from operating the bank account No. 502-000-318-707-61 opened in the name of the firm in the HDFC Bank as well as from operating the bank account opened by her in the name of the “The Linking Tree Consulting”/“The Linking Tree” in the UBI, CR Park Branch, New Delhi. The respondent Banks would also ensure that there is no breach of this injunction.”



4. It is stated that in the interregnum the Petitioner invoked the arbitration by issuing notice under Section 21 of the Arbitration and Conciliation Act, 1996 which has been replied to by the Respondent.

5. The Partnership Deed dated 14.04.2018 contains an Arbitration Clause. Since the parties are residing in Delhi, this Court has the jurisdiction to appoint an Arbitrator under Section 11 of the Act more so when arbitration stands invoked and the same has been replied to by the Respondents.

6. In view of the fact that disputes have arisen between the Parties and there is an arbitration clause in the Partnership Deed dated 14.04.2018, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the Parties.

7. Accordingly, Ms. Carina Arora, Adv. (Mob. No. 9953427159) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

8. The learned arbitrator shall be entitled to fees as per the Schedule of Fees mentioned under the A&C Act.

9. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the A&C Act within a week of entering on reference.

10. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

11. The Ld. Arbitrator is directed to consider the instant Petition as one filed under Section 17 of the Arbitration and Conciliation Act, 1996 and decide the same as expeditiously as possible.



12. The direction given by this Court shall operate till the application under Section 17 of the Arbitration and Conciliation Act, 1996 is decided.
13. It is made clear that all the contentions of parties are left open.
14. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.
15. The present petition stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

JANUARY 22, 2025

RJ