

ORDER SHEET
GA No.3371 of 2015
With
CS No.273 of 2015
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

HINDUSTAN UNILEVER LIMITED
Versus
ASHOK KUMAR AND OTHERS

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
Date : 8th October, 2015.

Appearance:
Mr. Siddhartha Mitra, Sr. Adv.

The Court : The petitioner has filed this application as a registered trade mark holder of the word 'Lakme' praying, inter alia, for an order of injunction against the respondent whose identities are in doubt.

Mr. Siddhartha Mitra, learned senior counsel, appearing on behalf of the petitioner, submits that this Court may consider passing an order of injunction restraining such unknown body of persons who are in likelihood street vendors selling counterfoil products of the plaintiff. The learned senior counsel has referred to decision of the Delhi High Court and submits that when the class of traders could not be identified, orders in the nature of 'Donjo orders' may be passed in this proceeding following the

principles laid down by the English Courts in this regard. The decision cited before this Court, would show that at least some of the defendants were identified and a Court Commissioner was appointed to seize the infringed articles. In the instant case, however, there is no such material on the basis of which the Court can proceed against the parties whose existence are doubtful. The Court should not pass an order which is incapable of implementation or requires a constant supervision.

At this stage a prayer is made to file a supplementary affidavit to bring on record certain facts. Leave is given to file a supplementary affidavit within one week after vacation.

Let this matter appear on 26th November, 2015.

(SOUMEN SEN, J.)