

[2022 LiveLaw \(SC\) 437](#)

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**A.M. KHANWILKAR; J., ABHAY S. OKA; J., C.T. RAVIKUMAR; J.**

APRIL 06, 2022

CIVIL APPEAL NO.5007 OF 2008 WITH CONMT.PET.(C) No. 305/2009

**KANGARO INDUSTRIES (REGD) & ORS. *Versus* JAININDER JAIN & ANR.**

***Contempt of Courts Act, 1971 - It is not open to the Court in contempt jurisdiction to enlarge the scope of relief claimed in the main proceedings.***

*For parties: Mr. Sudhir Chandra, Sr. Adv. Mr. Vaibhav Vutts, Adv. Ms. Aamna Hassan, Adv. Ms. Vernika Tomar, AOR Ms. Anupriya Shyam, Adv. Mr. Shailen Bhatia, Adv. Mr. Rajeev Kumar Dubey, Adv. Mr. Neelam Pathak, Adv. Mr. Abhishek Mohali Cinha, Adv. Mr. Kamendra Mishra, Adv.*

**ORDER**

This appeal takes exception to the judgment and order dated 29.01.2007 passed by the High Court of Delhi at New Delhi in FAO (OS) No. 768-71 of 2006. The stated appeal was filed by the appellant against the order passed by the learned Single Judge on 18.10.2006 in contempt petition. The contempt action was initiated in reference to the status quo order passed by the Additional District Judge, Ludhiana dated 07.01.1997.

The respondent had filed a suit for the following relief:

"It is therefore, prayed that a decree for grant of permanent injunction restraining the defendants Nos. 1 to 4 themselves, or through their employees, servants, representatives assigns, etc. from getting the trade mark "KANGARO" transferred in their favour of in favour of any of the firms fallen to their share in the family arrangement dated 10.04.1995/14.04.1995 and restraining them from selling manufacturing exhibiting, advertising, in any manner the said trade mark "KANGARO" or its products or by-products and restraining them from using the said trade mark in any manner whatsoever and further restraining them from getting the same registered in their names with the defendants No.5 and 6 and further directing defendants no. 1 to 4 to deliver to the plaintiffs all the goods lying manufactured with them under the goods lying manufactured with them under the goods lying manufactured with them under the trade mark "KANGARO" along with its materials, blocks, tools and dies, advertising materials etc. and decree for the rendition of accounts be passed in favour of the plaintiffs and against the defendants with costs. Any other additional or alternative relief to which the plaintiffs be found entitled to in the circumstances of the case, be also granted."

In that suit, the Additional District Judge, Ludhiana passed the interim order on 07.01.1997, which read thus:

"The application under Section 8 of the New Arbitration Act has been dismissed as not pressed. Learned counsel for respondents Nos. 1 to 4 claims that he is the registered owner of Trade Mark Kangaru. Plaintiff No.1 claims that he is using the same as owner. Let status quo regarding use of trade mark be maintained and W.S. be filed on 10.01.1997."

The respondent later on filed contempt petition and in contempt petition, learned

Single Judge passed the following order on 10.10.2006:

"Notice to show cause to the respondents. Notice accepted on behalf of the respondents. At request by the learned counsel for the respondents renotify on 13th October, 2006. In the meantime, the respondents shall not pursue the matter further before Dubai Court concerning infringement action in respect of trade mark "Kangaro"."

This interim order was confirmed by the learned Single Judge by order dated 18th December 2006 which was to operate till the disposal of the contempt petition. This order was subject matter of appeal before the Division Bench which has been rejected, and against which, the present appeal has been filed.

After hearing learned counsel for the parties, while avoiding to record the detailed reasons as it may affect the claim of one or the other party in the pending proceedings, suffice it to observe that the order passed by the learned Single Judge on 10.10.2006 in contempt action was unwarranted and avoidable.

We say so because it is not open to the Court in contempt jurisdiction to enlarge the scope of relief claimed in the main proceedings being CS(OS) No. 156 of 2004 and more so, when the initial interim relief (07.01.1997) is limited to the registered trademark "KANGARO", in India.

The status quo order dated 07.01.1997 passed by the Additional District Judge, Ludhiana clearly records the stand of the appellant(s) that they are the registered owner of trademark "KANGARO". That stand is yet to be adjudicated in the pending suit.

Accordingly, we have no hesitation in setting aside the interim orders dated 10th October 2006 and 18th December 2006 passed by the learned Single Judge in the contempt petition as well as the impugned judgment of the Division Bench of the High Court.

However, we clarify that it will be open to the respondent-plaintiff to take recourse to other proceedings for appropriate relief including for antisuit injunction in respect of foreign jurisdiction or simplicitor injunction, as may be advised, which proceedings can be examined on its own merits by the concerned Court uninfluenced by the impugned judgment.

In other words, all contentions available to the parties with regard to the respective claims are left open, to be decided as per law in the pending proceedings or future proceedings, to be resorted to by them.

The civil appeal is allowed in the above terms and the accompanying contempt petition and CCO No.127 of 2006 are also disposed of in terms of this order.

Pending applications, if any, stand disposed of.