



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

+ **C.O. 4/1997**

**SH. JAININDER JAIN AND ORS.** ..... Petitioners  
Through: Mr. Rajiv Nayyar and Mr. Dayan Krishnan, Sr. Advs. with Mr. Shailen Bhatia, Ms. Ekta Nayyar, Ms. Sheril Bhatia, Mr. Raghav Bhalla, Mr. Rishi Agarwal and Ms. Niyati Kohli, Advs.

versus

**REGISTRAR OF TRADE MARKS AND ORS...** Respondents  
Through: Mr. Sudhir Chandra and Mr. Vivek Chib, Sr. Advs. with Mr. Vaibhav Vutts, Ms. Aamna Hasan, Ms. Anupriya Shyam, Ms. Mansi Gupta and Ms. U. Jhunjhunwala, Advs.

+ **CS(COMM) 449/2018 and CCP(O) 87/2009**

**ARIHANT JAIN AND ORS.** ..... Plaintiffs  
Through: Mr. Sudhir Chandra and Mr. Vivek Chib, Sr. Advs. with Mr. Vaibhav Vutts, Ms. Aamna Hasan, Ms. Anupriya Shyam, Ms. Mansi Gupta and Ms. U. Jhunjhunwala, Advs.

versus

**JAININDER JAIN AND ORS.** ..... Defendants  
Through: Mr. Rajiv Nayyar and Mr. Dayan Krishnan, Sr. Advs. with Mr. Shailen Bhatia, Ms. Ekta Nayyar, Ms. Sheril Bhatia, Mr. Raghav Bhalla, Mr. Rishi Agarwal and Ms. Niyati Kohli, Advs.

+ **CS(COMM) 520/2018 and CCP(O) 127/2006**

**JAININDER JAIN** ..... Plaintiff  
Through: Mr. Rajiv Nayyar and Mr. Dayan Krishnan, Sr. Advs. with Mr. Shailen



Bhatia vs Ekta Nayyar, Ms. Sheril Bhatia,  
Mr. Raghav Bhalla, Mr. Rishi Agarwal and  
Ms. Niyati Kohli, Advs.

versus

ARIHANT JAIN AND ..... Defendant  
Through: Mr. Sudhir Chandra and Mr.  
Vivek Chib, Sr. Advs. with Mr. Vaibhav  
Vutts, Ms. Aamna Hasan, Ms. Anupriya  
Shyam, Ms. Mansi Gupta and Ms. U.  
Jhunjhunwala, Advs.

+ CS(COMM) 546/2018

KIRAN JAIN .... Plaintiff  
Through: Mr. Rajiv Nayyar and Mr.  
Dayan Krishnan, Sr. Advs. with Mr. Shailen  
Bhatia, Ms. Ekta Nayyar, Ms. Sheril Bhatia,  
Mr. Raghav Bhalla, Mr. Rishi Agarwal and  
Ms. Niyati Kohli, Advs.

versus

JANKI DASS JAIN ..... Defendant  
Through: Mr. Sudhir Chandra and Mr.  
Vivek Chib, Sr. Advs. with Mr. Vaibhav  
Vutts, Ms. Aamna Hasan, Ms. Anupriya  
Shyam, Ms. Mansi Gupta and Ms. U.  
Jhunjhunwala, Advs.

+ CS(COMM) 415/2022, I.A. 9406/2022 (Order XXXIX Rules 1  
and 2 of the CPC), I.A. 9407/2022 (Order XI Rule 12 of the  
CPC), I.A. 6282/2023 (substitution of D-2) & I.A. 8779/2023  
(Order XI Rules 14 and 16 of the CPC)

KIRAN JAIN & ORS. .... Plaintiffs  
Through: Mr. Rajiv Nayyar and Mr.  
Dayan Krishnan, Sr. Advs. with Mr. Shailen  
Bhatia, Ms. Ekta Nayyar, Ms. Sheril Bhatia,  
Mr. Raghav Bhalla, Mr. Rishi Agarwal and  
Ms. Niyati Kohli, Advs.

versus

KANGARO INDUSTRIES (REGD.) & ORS. .... Defendants



Through Mr. Sudhir Chandra and Mr. Vivek Chib, Sr. Advs. with Mr. Vaibhav Vutts, Ms. Aamna Hasan, Ms. Anupriya Shyam, Ms. Mansi Gupta and Ms. U. Jhunjhunwala, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

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**04.08.2023**

**I.A. 7477/2023 (Order XXII Rule 4 of the CPC) & I.A. 7673/2023 (Order XXII Rule 4 of the CPC) in C.O. 4/1997**

**I.A. 7674/2023 (Order XXII Rule 2 of the CPC) in CS(COMM) 449/2018**

**I.A. 7466/2023 (Order XXII Rules 3 and 4 of the CPC) in CS(COMM) 520/2018**

**I.A. 7468/2023 (Order XXII Rule 3 of the CPC) & I.A. 7470/2023 (Order XXII Rule 4 of the CPC) in CS(COMM) 546/2018**

**I.A. 6970/2023 (Order XXII Rules 3 and 4 of the CPC) and I.A. 7082/2023 (Order XXII Rule 3 of the CPC) in CS(COMM) 415/2022**

1. In all these applications, the parties appear to be at variance on the persons to be impleaded as the legal representatives, consequent on the death of Arihant Jain. Arihant Jain happens to have been succeeded by his son Amit Jain and his daughters Mrs. Archana Gupta, Mrs. Alka Jain and Ms. Neetu Jain.

2. Learned Senior Counsel for the defendants submit that, as the daughters had filed affidavits stating that they are not interested in the estate of Arihant Jain and that they have no objection to the estate of Arihant Jain being represented by Amit Jain alone, the present application, seeking impleadment of Amit Jain as the sole legal representative representing the estate of the deceased Defendant 2 Arihant Jain, could be allowed.



3. The objection of learned Senior Counsel for the plaintiffs/non-applicants, as recorded in the order dated 20 April 2023, passed earlier in these proceedings, was that if the daughters walk out of the proceedings, they should not later claim any benefit of any decree which is passed in the proceedings or disown any liability which may fall on them in law consequent on any order which the Court may pass.

4. My attention has been invited, today, by Mr. Sudhir Chandra and Mr Vivek Chib, learned Senior Counsel for the defendants, to various decisions including *Vardarajan v. Kanakavalli*<sup>1</sup> and *Kadir Mohideen Marakkayar v. Muthukrishna Aiyar*<sup>2</sup>, which seem to suggest, that even if the estate of a deceased defendant is represented by one of his legal representatives, the consequence of any order which would be passed in the case would fall on the entire estate.

5. I, therefore, mooted a suggestion as to whether these applications could be disposed of permitting Amit Jain to represent the estate of Arihant Jain with the clarification that the effect of any order or decree which may be passed in this case, whether positive or negative, would also fall on the sisters of Amit Jain, if in law they would be liable or entitled to the benefit thereof. However, as the daughters are not represented in these proceedings, save by way of affidavits filed by Amit Jain, Mr. Vivek Chib, learned Senior Counsel submits that he would place the affidavits of the daughters on record to allay the apprehension of the plaintiffs.

6. For the said purpose, renotify on 24 August 2023 as part heard.

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<sup>1</sup> (2020) 11 SCC 598

<sup>2</sup> (1903) ILR 26 Madras 230

C.O. 4/1997 & connected matters



7. Interim order in CS(COMPT) 415/2022 shall continue till the next date of hearing.

**C.HARI SHANKAR, J**

**AUGUST 4, 2023**

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