

\$~1

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

+ **CS(COMM)No.186/2020 & I.A.Nos.4705-08/2020**

CERVECIRIA MODELO DE MEXICO, S. DE R.L. DE C.V.

.....Plaintiff

Through : Mr. Pravin Anand, Mr. Shantanu  
Sahay, Mr. Aasish Somasi and  
Mr.Rohan Sharma, Advs.

versus

WHISKIN SPIRITS PVT. LTD.

....Defendant

Through : None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

**22.06.2020**

%

[Court hearing convened *via* video-conferencing on account of COVID-19]

**I.A.No.4706-08/2020**

1. Allowed, subject to the plaintiff curing the deficiencies referred to in the captioned applications within five days of the lockdown *qua* this Court being lifted.

**I.A.No.4707/2020**

2. Allowed. The plaintiff is permitted to file additional documents.

2.1 The additional documents will be filed within 30 days of the lockdown *qua* this Court being lifted.

**I.A.No.4708/2020**

3. Allowed, subject to just exceptions.

**CS(COMM)No.186/2020 & I.A.No.4705/2020**

4. It is the plaintiff's case that it manufactures beer which is sold under the registered trademark "CORONA".

4.1 It is averred that the said beer is sold in 180 countries and, therefore, has a worldwide reputation.

4.2 It is also averred that the defendant was engaged by the plaintiff as its distributor for the National Capital Territory of Delhi.

4.3 Mr. Pravin Anand, who appears on behalf of the plaintiff, informs me that the distributorship agreement spanned between 2014-2015.

4.4 The plaintiff appears to be aggrieved by the fact that the defendant has taken out advertisements on the social media platform i.e. Facebook which likens the plaintiff's product with Coronavirus. In this behalf, my attention has been drawn by Mr. Anand, *inter alia*, to page 427 of the document filed by the plaintiff.



5. I have heard Mr. Anand and perused the record.
6. The plaintiff, to my mind, at least at this stage, has been able to set up a *prima facie* case in its favour *qua* disparagement.
  - 6.1 The balance of convenience also appears to be in favour of the plaintiff given the extent and nature of its market *qua* the aforementioned product.
  - 6.2 It appears that the plaintiff's statutory and commercial interests will get jeopardised if an *ad interim* injunction is not granted in its favour.
7. Accordingly, issue summons in the suit and notice in the captioned application.
8. In the meanwhile, till the next date of hearing, the defendant, its employees, agents, officers, affiliated entities and all others acting for and on its behalf are enjoined from reproducing, broadcasting, communicating to the public, screening, publishing and distributing the impugned advertisement on any media or platform including the social media platforms.
9. The plaintiff will comply with the provisions of Order XXXIX Rule 3 of the CPC within five days of the receipt of a copy of this order.
10. Renotify the matter on 22.07.2020.

**RAJIV SHAKDHER, J**

**JUNE 22, 2020**  
Aj/KK

*Click here to check corrigendum, if any*