

CASE NO.:
Appeal (civil) 8815-8816 of 2003

PETITIONER:
Ramdev Food Products Pvt. Ltd

RESPONDENT:
Arvindbhai Rambhai Patel & Ors

DATE OF JUDGMENT: 07/12/2006

BENCH:
S.B. Sinha & Makandey Katju

JUDGMENT:
JUDGMENT
O R D E R
I.A. Nos. 25-26
in

CIVIL APPEAL NOS. 8815-8816 OF 2003

These applications have been filed purported to be under Section 152 of the Code of Civil Procedure, 1908 for corrections of certain typographical errors in the judgment of this Court dated 29.08.2006.

One of the typographical errors which has crept in is in line 3 of direction (iii) of the findings insofar as in stead and place of the word "respondents" after the words "belonging to" and before the words "on usual terms", the words "Respondent No. 7" should appear. There is no opposition to the aforementioned prayer.

There is also no opposition in regard to the prayer for deleting the words "Or M/s. Ramdev Exports Arvindbhai Group" appearing in the aforesaid direction as the firm does not manufacture any product.

The respondents, however, opposed the prayer of the applicant in regard to the deletion of the word "manufactured" after the words "This product" and before the words "and marketed by M/s. Ramdev Masala (Arvindbhai Group)".

With a view to appreciate the rival contentions of the parties, which would be noticed hereinafter, we may set out herein direction (iii) which reads as under:

"(iii) The appellant shall, as and when demands are made, supply spices produced by it for retail sale thereof to seven outlets belonging to respondents on usual terms, and in respect of such articles on the labels/pouches, on the reverse thereof, the following shall be mentioned in the minimum permissible size in terms of the provisions of Weights and Measures Act and Prevention of Food Adulteration Act:
"This product is manufactured and marketed by M/s. Ramdev Masala (Arvindbhai Group) (Or M/s. Ramdev Exports Arvindbhai Group) having no relationship whatsoever with Ramdev Food Products Pvt. Ltd."

Submission of Mr. Ashok H. Desai, learned senior counsel appearing on behalf of the applicant is that the direction (iii) read in its entirety may be misunderstood to mean that the respondents have been permitted to

manufacture and market spices in the name and style of M/s. Ramdev Masala.

Submission of Mr. Ranjit Kumar, learned senior counsel appearing on behalf of the respondents, is that the said direction is to be read in the context of the mutual obligations of the parties as noticed by this Court at page 47 of the judgment as also the observations made by this Court that the respondents were entitled to sell also their own products from the said outlets. The said paragraph reads as under:

"\005What were the mutual obligations of the parties is a matter which can be considered only at the trial or in any other appropriate proceeding, but prima facie it goes without saying that the first respondent, in any event, was entitled to sell also his own products from the said outlets. The parties for the said purpose thought of remaining mutually dependent as it was stipulated that while also competing with each other they would see to it that by action of one, the other is not harmed at least while exporting the materials. It is, thus, not a case where the appellant having taken advantage of the terms of the MOU had resiled therefrom and in that view of the matter the principle of estoppel cannot be said to have any application in the instant case."

A judgment, as is well-known, must be read in its entirety. The respondents have been permitted to carry on their business in any other name insofar as manufacturing of spices is concerned.

Keeping in view the directions issued by this Court vis-'-vis the questions decided, we are of the opinion, for the sake of clarity, directions (ii) and (iii) may be substituted by the following:

(ii) They may, however, carry on their business in any other name insofar as manufacturing of spices is concerned and in respect of such articles on the labels/pouches on the reverse thereof, the following shall be mentioned in the minimum permissible size in terms of the provisions of the Standards of Weights and Measures Act and the Prevention of Food Adulteration Act:
"This product is manufactured and marketed by M/s Ramdev Masala (Arvindbhai Group) having no relationship whatsoever with Ramdev Food Products Pvt. Ltd."

(iii) The appellant shall, as and when demands are made, supply spices produced by it for retail sale thereof from the seven outlets belonging to Respondent No. 7 on usual terms.

These applications are disposed of with the aforementioned directions.