RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 26781/2026
CNR: RJHC011063182026 | URN: CW / 46375U / 2026

Rajasthan High Court
सत्यमेव जयते
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Salman Khan S/o Salim Khan, Aged About 60 Years, Brand Ambassador Address Galaxy Apartments, Bandra Mumbai-400050 (Maharashtra), Through His Power Of Attorney Holder Mrs. Salma Khan W/o Mr. Salim Khan, Aged About 84 Years Old, Resident Of 3, Galaxy Apartments, B.j. Road, Band Stand, Bandra West, Mumbai- 400050.

----Petitioner

Versus

1. Gajendra Kumar S/o Shri K.k. Kumar, R/o 107, Marwad Apartmetn, B Block, Chopasni, Jodhpur.
2. Rajshree Pan Masala, Kamal Kant Chaurasiya, Address Pelkhana, Kanpur (Uttar Pradesh).

----Respondents

For Petitioner(s) : Mr. Vikas Balia, Sr. Adv. assisted by Mr. Ayush Sharma & Mr. Ashok Choudhary.
Mr. Shivangshu Naval (through VC)

For Respondent(s) : Mr. Varun Singh with Mr. Vikram Singh Gehlot, for R/2.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

26/11/2026

1. Learned Senior Counsel representing the petitioner submits that the order dated 16.09.2026 (Annex.2) was passed without jurisdiction, as the District Consumer Disputes Redressal Commission, Jodhpur (Second) has no authority to hear or adjudicate the complaint because the complainant does not come within the ambit of a "Consumer" under Section 2(7) of the Consumer Protection Act, 2019, nor is he claiming to be one. He further submits that in view of the express statutory framework

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RAJASTHAN HIGH COURT

and prohibition under Chapter III of the Act of 2019, read with Sections 89 and 92 thereof, the Consumer Commission does not have any power, authority, or jurisdiction to entertain, hear, or adjudicate upon matters involving allegations of misleading advertisements, however, the Commission rejected the application filed by the Petitioner under Order I Rule 10 read with Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC") for deletion of his name from the array of parties, despite there being no independent cause of action under the Consumer Protection Act, 2019, allegation of personal knowledge, or want of due diligence attributed to the Petitioner in his capacity as a mere brand endorser warranting the continuation of proceedings against him; and declined to decide the preliminary objections raised by the Petitioner and Non-Applicant No. 1 under Order VII Rule 11 CPC read with Sections 35, 89 and 92 of the Act at this stage for no cogent reason and despite there being no material placed on record or any pleadings in the Complaint to dispel the Petitioner's aforesaid preliminary objections.

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2. Learned counsel for the petitioner further submits that the said objections goes to the very root of the maintainability and jurisdiction of the Complaint and instead of deciding the same, the Ld. DCDRC has deferred the same to the stage of final adjudication of the Complaint, notwithstanding that such objections, being pure questions of law, were liable to be decided as preliminary issues.

3. In support of his contention, learned counsel for the petitioner places reliance upon order dated 07.04.2026 passed in the case of ***Salman Khan Vs. Yogendra Singh Badiyal & Anr.:***

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SBCWP No.5850/2026 and order dated 07.04.2026 passed in the case of ***Kamla Kant and Company Vs. Yogendra Singh Badiyal & Anr.: SBCWP No.5836/2026***, passed by a Coordinate Bench of this Court at Jaipur.

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4. In view of the submissions made, issue notice. Issue notice of the stay application as well. As respondent No.2 is already represented through counsel, issue notice to respondent No.1 only.

5. In the meanwhile and until the next date of hearing, further proceedings in Complaint Case No.416/2025 titled as "Gajendra Kumar Vs. Rajshree Pan Masala" pending before the District Consumer Disputes Redressal Commission, Jodhpur (Second), shall remain stayed.

(DR.NUPUR BHATI),J

Crt_10 (1838)
D-A/53
Sumit Sharma

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