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

+ C.O. (COMM.IPD-TM) 13/2024

SRINATH KUMBARGERI VENKATACHALAPPA Petitioner

Through: Mr. Tanmaya Mehta,
Mr. Krishnagopal Abhay,
Mr. Karmanya Singh Sareen,
Mr. Sahib Singh Dhillon,
Mr. Prabhjot Singh Dhillon and
Mr. Rinku, Advocates.

versus

C.A. SHIVARAM & ANR. Respondents

Through: Mr. Naveen R. Nath, Senior Advocate
with, Mr. Vikas Kumar, Mr. Sangram
Panghal, Mr. Pranjal Shrivastava,
Ms. Vidanshi Kamalia, Ms. Gayatri
Virmani and Ms. Disha Gupta,
Advocates.
Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday and
Mr. Krishnan V., Advocates.

+ C.O. (COMM.IPD-TM) 14/2024

SRINATH KUMBARGERI VENKATACHALAPPA Petitioner

Through: Mr. Tanmaya Mehta,
Mr. Krishnagopal Abhay,
Mr. Karmanya Singh Sareen,
Mr. Sahib Singh Dhillon,
Mr. Prabhjot Singh Dhillon and
Mr. Rinku, Advocates.

versus



C.A. SHIVARAM & ANR.

..... Respondents

Through: Mr. Naveen R. Nath, Senior Advocate with, Mr. Vikas Kumar, Mr. Sangram Panghal, Mr. Pranjal Shrivastava, Ms. Vidanshi Kamalia, Ms. Gayatri Virmani and Ms. Disha Gupta, Advocates.
Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai Paikaday and Mr. Krishnan V., Advocates.

+ C.O. (COMM.IPD-TM) 15/2024

SRINATH KUMBARGERI VENKATACHALAPPA Petitioner

Through: Mr. Tanmaya Mehta, Mr. Krishnagopal Abhay, Mr. Karmanya Singh Sareen, Mr. Sahib Singh Dhillon, Mr. Prabhjot Singh Dhillon and Mr. Rinku, Advocates.

versus

MR. C.A. SHIVARAM & ANR.

..... Respondents

Through: Mr. Naveen R. Nath, Senior Advocate with, Mr. Vikas Kumar, Mr. Sangram Panghal, Mr. Pranjal Shrivastava, Ms. Vidanshi Kamalia, Ms. Gayatri Virmani and Ms. Disha Gupta, Advocates.
Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai Paikaday and Mr. Krishnan V., Advocates.



CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
06.02.2024

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I.A. 2789/2024 in C.O. (COMM.IPD-TM) 13/2024, I.A. 2792/2024 in C.O. (COMM.IPD-TM) 14/2024 & I.A. 2795/2024 in C.O. (COMM.IPD-TM) 15/2024 (for exemption from filing originals, clearer copies, translated copies and margins of certain documents with the supporting affidavit)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the applications are disposed of.

I.A. 2790/2024 in C.O. (COMM.IPD-TM) 13/2024, I.A. 2793/2024 in C.O. (COMM.IPD-TM) 14/2024 & I.A. 2796/2024 in C.O. (COMM.IPD-TM) 15/2024 (for exemption from filing documents in separate volumes along with affidavit in support thereof)

4. The request is allowed, subject to all just exceptions.
5. The applications are disposed of.

I.A. 2791/2024 in C.O. (COMM.IPD-TM) 13/2024, I.A. 2794/2024 in C.O. (COMM.IPD-TM) 14/2024 & I.A. 2797/2024 in C.O. (COMM.IPD-TM) 15/2024 (seeking permission to file electronically signed and notarised affidavits and vakalatnama)

6. Mr. Tanmaya Mehta, counsel for Petitioner, seeks permission to file **electronically signed and notarised affidavits and vakalatnama**. He submits that because of pressing commitments of the Petitioner's constituted attorney, **who is currently in Dubai**, he was unable to visit the Indian



embassy/ consulate at Dubai for attestation/ apostille of the documents, which is a time-consuming process. Therefore, the constituted attorney utilized the online notary platform “NotarEase”, through which, he appeared virtually before a qualified Notary Officer in Delhi and digitally signed the affidavits and vakalatnama in support of the petition and accompanying applications, before the Officer. The entire process for e-notarization has been elaborated in paragraph No. 2(a) to (h) of the applications. The screenshots of the video call, completion certificate issued by eMudhra, and document log details, explaining the procedure adopted have been reproduced in the applications.

7. Considering the aforementioned, the Court is satisfied that Petitioner’s constituted attorney has electronically signed the notarised affidavits filed along with the petition and accompanying applications as well as the vakalatnama. Accordingly, the applications are allowed in terms of prayer 8(a) and (b) of the applications.

8. Disposed of.

C.O. (COMM.IPD-TM) 13/2024, C.O. (COMM.IPD-TM) 14/2024 & C.O. (COMM.IPD-TM) 15/2024

9. The present petitions under Section 57 of the Trademarks Act, 1999 seek: (a) transfer of the registration of trademark “PARIMALA COFFEE” under No. 1708226 from Respondent No. 1 to the Petitioner,¹ (b) removal of




the trademark “ ” registered under No. 3892154 in



Respondent No. 1's name from the Register,² and (c) cancellation of



registration of registration of the mark “” in Respondent No. 1's favour under No. 3871676.³

10. Mr. Tanmaya Mehta, counsel for Petitioner, submits that Respondent No. 1 was only allowed to use the afore-noted marks as a permitted user, however, he has unlawfully secured the registration of the said marks in his name.

11. Issue notice. Mr. Vikas Kumar, counsel for Respondent No. 1, accepts notice. Mr. Harish Vaidyanathan Shankar, counsel for Respondent No. 2, accepts notice.

12. Reply, if any, be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.

13. List on 29th May, 2024.

SANJEEV NARULA, J

FEBRUARY 6, 2024/nk

¹ In C.O. (COMM.IPD-TM) 13/2024.

² In C.O. (COMM.IPD-TM) 14/2024.

³ In C.O. (COMM.IPD-TM) 15/2024.



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

+ CS(COMM) 466/2024

SINGH AND SINGH LAW FIRM LLP & ANR. Plaintiffs

Through: Mr. Tanmaya Mehta and Mr.
Krishnagopal Abhay, Advocates with
P-2 in person.

versus

SINGH AND SINGH ATTORNEYS & ORS. Defendants

Through: Mr. Aditya Gupta and Mr. Sauhard
Alung, Advocates for D-6.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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29.05.2024

I.A. 30773/2024(seeking leave to file additional documents)

1. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015.
2. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the said Act.
3. Disposed of.

I.A. 30774/2024 & I.A. 30775/2024 (seeking exemption)

4. Exemption is granted, subject to all just exceptions.
5. Plaintiffs shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
6. Disposed of.



I.A. 30776/2024 (seeking exemption from filing documents in separate volumes)

7. Exemption is granted, subject to all just exceptions.
8. Disposed of.

I.A. 30777/2024(seeking exemption from pre-institution mediation)

9. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,¹ exemption from attempting pre-institution mediation is granted.
10. Disposed of.

I.A. 30778/2024(seeking direction to Registry to accept audio visual data in a pen drive)

11. Plaintiffs seek leave of the Court to place on record certain audio-visual data, forming the subject matter of the present suit. Rule 24 of Chapter XI of the Delhi High Court (Original Side) Rules, 2018 stipulates that electronic records can be received in CD/DVD/Medium encrypted with a hash value. The said Rule is extracted below:

“24. Reception of electronic evidence -A party seeking to tender any electronic record shall do so in a CD/ DVD/ Medium, encrypted with a hash value, the details of which shall be disclosed in a separate memorandum, signed by the party in the form of an affidavit. This will be tendered along with the encrypted CD/ DVD/ Medium in the Registry. The electronic record in the encrypted CD/ DVD/ Medium will be uploaded on the server of the Court by the Computer Section and kept in an electronic folder which shall be labeled with the cause title, case number and the date of document uploaded on the server. Thereafter, the encrypted CD/ DVD/ Medium will be returned to the party on the condition that it shall be produced at the time of admission/denial of the documents and as and when directed by the Court/ Registrar. The memorandum disclosing the hash value shall be separately kept by the

¹ 2023 SCC OnLine SC 1382.



Registry on the file. The compliance with this rule will not be construed as dispensing with the compliance with any other law for the time being in force including Section 65B of the Indian Evidence Act, 1872.”

12. Registry may receive electronic record on CD-ROM/ DVD so long as it is encrypted with a hash value or in any other non-editable format. The audio-visual data be placed in the electronic record of the present suit in a format which is non-editable, so that the same can be viewed by the Court during hearing.

13. Application is disposed of.

I.A. 30779/2024(seeking permission to file electronically signed & notarised affidavit & vakalatnama)

14. Mr. Tanmaya Mehta, counsel for Plaintiffs, seeks permission to file electronically signed and notarised affidavits and vakalatnama. He submits that because of pressing commitments of the Plaintiffs’ constituted attorney, she could not visit the office of the Notary Public. Therefore, the constituted attorney utilized the online notary platform “NotarEase,” through which, she appeared virtually before a qualified Notary Officer in Delhi and digitally signed the affidavits and vakalatnama in support of the suit and accompanying applications, before the Officer. The entire process for e-notarization has been elaborated in paragraph No. 2(a) to (h) of the application. The screenshots of the video call, completion certificate issued by eMudhra, and document log details, explaining the procedure adopted have been reproduced in the applications.

15. Considering the afore-noted, the Court is satisfied that Plaintiffs’ constituted attorney has electronically signed the notarised affidavits filed



along with the petition and accompanying applications as well as the vakalatnama. Accordingly, the applications are allowed and the electronically signed and notarised affidavits are taken on record.

16. Disposed of.

CS(COMM) 466/2024

17. Let the plaint be registered as a suit.

18. Issue summons. Mr. Aditya Gupta, Advocate, accepts notice on behalf of Defendant No. 6. He confirms the receipt of paper-book, and waives the right of formal service of summons. Written statement by the said Defendant shall be filed within thirty days commencing from today. Upon filing of process fee, issue summons to the remaining Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.

19. Liberty is given to the Plaintiffs to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiffs, affidavit(s) of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

20. List before the Joint Registrar for marking of exhibits on 27th August, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.





21. List before Court for framing of issues thereafter.

I.A. 30772/2024(w/O XXXIX Rules 1 and 2 of CPC)

22. The Plaintiffs have filed the instant application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908,² seeking protection of their mark/ name “Singh & Singh” used in relation to the legal services provided by them. They are aggrieved by the use of identical marks – “Singh and Singh” and “Singh and Singh Lawyers LLP” and their derivatives by Defendants No. 1 and 2, for the same services.

23. The case of Plaintiffs, as set out in the plaint, is as follows:

23.1. Plaintiff No. 1, Singh & Singh Law Firm LLP, was founded in 1997 for providing legal services under the trademark “Singh & Singh”. Later, in 2005, the firm adopted another trademark “Singh & Singh Advocates.” The details of registrations of the above trademarks are as follows:

S.No.	Mark	Date of Application	Regd. No.	Class	Services
1.		22.12.2005	1408313	42	all kinds of legal services
2.		09.09.2009	1860364	42	all kinds of legal services included in class 42

23.2. Plaintiff No. 1 assigned the afore-mentioned trademarks to Plaintiff No. 2, MKS IP Assets Pvt. Ltd., *w.e.f.* April 2014. This change has been reflected in the records of the Trademarks Registry.

23.3. Plaintiff No. 1-firm has, over the years, expanded into several branches of law, including constitutional, commercial, arbitration, and

² “CPC.”



intellectual property laws. The firm has acquired enormous acclaim in India as well as in several foreign countries. Their clientele hails from different parts of the world, such as the USA, Canada, Japan, South Africa, Australia. Over the years, Plaintiff No. 1 has become one of India's leading law firms in the fields of intellectual property litigation, information technology, and technology, media and telecommunication. The plaint also sets out the details of various accolades and awards received by Plaintiff No. 1. In addition, the lawyers engaged with Plaintiff No. 1 are members of international organizations like INTA, APAA, AIPPI, FICPI etc., and are active participants of annual conferences and other events organized by these institutions. These conferences are conducted at a global level in various parts of the world, including the USA, Canada, Germany, and Australia.

23.4. The business presence of Plaintiff No. 1 spans across the world, including South Africa, where they cater to major multi-national corporations, such as Cipla, Bharti, Gilead, PepsiCo, GlenMark, ZEE, FritoLay, GoodEarth, ICICI Bank and Radio Mirchi. Members of Plaintiff No. 1 also regularly collaborate with law firms and lawyers based in South Africa for providing services to their clients located in the said country. Many of Plaintiff No. 1's partners and lawyers are members of organizations that facilitate interactions and collaboration between the legal industries of different nations. Several of these organizations have committees, where advocates from both Plaintiff No. 1-firm and South Africa, are members. Thus, the firm has a strong cross-border reputation, which extends to South Africa.

23.5. Defendant No. 1, a law firm located in South Africa, offers their



services under the trademark/ name “Singh and Singh Attorneys.” They also have an active website “<https://singhlaw.co.za/>,” which is accessible in India. This domain name/ website was registered in Defendant No. 1’s name on 15th October, 2021. Defendant No. 2 is the owner/ founder of Defendant No. 1.

23.6. Through various online modes, the Defendants are promoting their trademark “Singh and Singh Attorneys” in India and soliciting clients for their business. The clients, who are of Indian origin, are likely to be misled into assuming a relationship between Plaintiff No. 1 and Defendant No. 1. Further, given Plaintiff No. 1’s strong cross-border presence and reputation, the viewers of such promotional posts/ material would potentially be misled about their origin. The marks being identical and used for the same purpose, the Defendants’ use of the impugned mark amounts to infringement and passing off of Plaintiff’s trademarks.

24. The Court has considered the submissions advanced by Mr. Mehta, and reviewed the record. A comparison of the Plaintiffs’ and Defendants’ marks /names is set out in the following table, reproduced from the plaint:

<u>Comparison table- names, domains, social media accounts and primary logos</u>			
S.No.	Description	Plaintiffs	Defendants
1	Mark/name	Singh & Singh	Singh and Singh
2	Full name	Singh & Singh Law Firm LLP	Singh and Singh Attorneys
3	Abbreviated name	Singh & Singh Law Firm	Singh and Singh
4	Domain name/ website	http://www.singhandsingh.com/	https://singhlaw.co.za/
5	Facebook	@SinghLawFirmLLP	@Singh & Singh Attorneys and Conveyances



6	LOGO (trade name)		
7	LOGO		

25. In the *prima facie* view of the Court, the above table conspicuously demonstrates that the parties' marks are identical and are being used for identical services, targeting the same segment of consumers. The profile of Plaintiff No. 1, as noted above, and as delineated in the plaint, clearly indicates that Plaintiff No. 1's law practice is not confined to India, and extends to South Africa. On a preliminary assessment, it appears that Plaintiff No. 1 has a significant digital presence and global reputation and goodwill and is servicing clients across the globe. The Court also finds *prima facie* merit in the contention of the Plaintiffs that nowadays legal services are rendered across the globe through internet and electronic means. In this internet-driven world, law firms such as the Plaintiff No. 1, would have a reputation which is not limited by geographical boundaries. Therefore, there is a strong possibility of confusion amongst the foreign clients/law firms relating to the two marks, which are predominantly identical. There is a strong likelihood that they would be led to believe that Defendants' "Singh and Singh" is another branch or an associate office of Plaintiff's "Singh & Singh." Thus, the use of impugned marks, that are identical or deceptively similar to the trademarks of the Plaintiffs, and their domain name "singhlaw.co.za" is likely to cause confusion to the clients located in India as well as South Africa, where Plaintiff No. 1 has a



formidable presence.

26. In view of the above, the Court finds that the Plaintiffs have made out a *prima facie* case in their favour and in case an *ex-parte* ad-interim injunction is not granted, the Plaintiffs will suffer an irreparable loss; balance of convenience also lies in favour of the Plaintiffs and against the Defendants No. 1 and 2.

27. Till the next date of hearing, Defendants No. 1 and 2 or anybody acting on their behalf are restrained from using in India the impugned marks “Singh and Singh,” “Singh & Singh,” “singhlaw,” “singhandsingh,”



“Singh and Singh,” and “S & S PPS” or any other trademark/ trade name/ service name/ trading style, which is either identical to, or deceptively similar to Plaintiffs’ marks/ names/ logos “Singh & Singh,” “Singh & Singh Law Firm LLP”, “Singh and Singh,” “<http://www.singhandsingh.com/>,” “singhlaw,” “singhandsingh.com,” “Singh & Singh Advocates,” “Singh & Singh Attorneys” or any other derivatives thereof so as to result in infringement and passing off of Plaintiffs’ trademarks.

28. Ministry of Electronics and Information Technology, Government of India and Department of Telecommunications, Ministry of Communications, Government of India is directed to issue necessary directions to the telecom service providers and internet service providers to block access within India to the website hosted on the impugned domain name “<https://singhlaw.co.za/>”.

29. Upon filing of process fee, issue notice to the Defendants, by all



permissible modes, returnable on the next date of hearing. Reply, if any, be filed within four weeks from the date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.

30. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be done with ten days from today.

31. List on 23rd October, 2024.

SANJEEV NARULA, J

MAY 29, 2024
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.A.(COMM.IPD-TM) 45/2024 & I.A. Nos. 31344/2024,
31345/2024, 31346/2024 & 31347/2024

PROFESSIONAL FIGHTERS LEAGUE, LLC, A DELAWARE
LIMITED LIABILITY COMPANYAppellant

Through: Mr. Tanmaya Mehta with
Mr. Krishnagopal Abhay,
Mr. Karmanya Singh Sareen and
Ms. Pari Bhardwaj, Advocates.
(M): 8930975400

versus

THE REGISTRAR OF TRADE MARKS & ANR.....Respondents

Through: Mr. Arjun Gadhoke with Ms. N.
Parvati and Ms. Alka Bisht,
Advocates.
(M): 8193930933

Email: abisht@saikrishnaassociates.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
15.01.2025

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I.A. No. 31344/2024 (Application seeking permission to file electronically signed and notarised affidavits and vakalatnama)

1. The present application has been filed on behalf of the appellant under Section 151 of the Code of Civil Procedure, 1908 ("CPC") seeking permission to file electronically signed and notarised affidavits and vakalatnama.



2. Mr. Tanmaya Mehta, learned counsel appearing for the appellant submits that because of the certain pressing commitments of the appellant's Authorised Signatory, who resides in the United States of America, he was unable to visit the Indian embassy/consulate for apostillation of the affidavits, which is a relatively time-consuming process. He further submits that for facilitating the timely filing of the present appeal, the appellant's Authorised Signatory virtually appeared before a qualified Notary officer in Delhi and the affidavits along with the vakalatnama of the appellant's Authorised Signatory, have electronically been signed and notarized in support of the instant appeal.

3. Thus, it is submitted that the mandate of the rules and procedure, stands complied with. It is submitted that appellant has been identified by his counsel in the electronically signed and notarized affidavits as well as the vakalatnama. The signing and notarization process adopted and followed for signing and notarizing the affidavits has been elaborated in the present application. The screenshots of the video call, complete certificate issued by eMudhra and document log details, explaining the procedure adopted, have been reproduced in the application.

4. Considering the aforesaid, the Court is satisfied that the appellant's Authorised Signatory has electronically signed the notarized affidavits along with the present appeal and accompanying applications, as well as the Vakalatnama. Accordingly, the present application is hereby allowed.

5. The application is disposed of and the electronically signed and notarized affidavits are taken on record.

C.A.(COMM.IPD-TM) 45/2024 & I.A. Nos. 31345/2024, 31346/2024 & 31347/2024



6. The present appeal has been filed under Section 91 of the Trade Marks Act, 1999, read with Rule 156 of the Trade Marks Rule, 2017 challenging the order dated 28th October, 2023 passed by respondent no. 1 in opposition no. 1219891.

7. By way of the impugned order dated 28th October, 2023, the respondent no. 1, i.e., Registrar of Trademarks had held that the application no. 4497981 in Class 25, as filed by the appellant herein, is deemed abandoned. The order dated 28th October, 2023, reads as under:



भारत सरकार / GOVERNMENT OF INDIA
उपान्त विज्ञान विभाग / TRADE MARKS REGISTRY
बौद्धिक सम्पत्ता भवन प्लॉट संख्या 32, सेक्टर 14, नयी दिल्ली-110078 फोन: 28082915, 28082916, 28082917
Intellectual Property Bhavan, Plot No 32, Sector 14, Dwarka, New Delhi-110078 Tel: 28082915, 28082916, 28082917



THE TRADE MARKS ACT, 1999

IN THE MATTER OF an Application No.
4497981 in Class 25 in the name of :
MMAX INVESTMENT PARTNERS INC (A
DELAWARE CORPORATION)
(Proprietor)
Suite 302, 2520 St. Rose Parkway Henderson,
Nevada 89074 United States. .
AND

IN THE MATTER OF an Opposition No.
1219891 there to by
Liberty Shoes Limited
(Opponent)
13th Mile Stone, Liberty Puram, Kutail,
Haryana - 132114 .

ORDER

Trade Mark Application No.4497981 in Class 25 was advertised in journal no : 2091 dated 13/02/2023 . Subsequently above opposition was filed under section 21(1) of the Trade Mark Act,1999 by the above named opponent on 18/05/2023 to oppose the registration of Trade Mark PFL PROFESSIONAL FIGHTERS LEAGUE applied for the Notice of Opposition was served to the applicant 19/07/2023 and till date no Counter statement filed by the applicant.

Hence, the application no.4497981 in class 25 is deemed as ABANDONED by operation of section 21(2) of the Trade Mark Act, 1999 and consequently opposition no/s. 1219891 abates.
There shall be no order as to cost in respect of the above proceeding.

Signed and Sealed at Delhi dated this 28 October, 2023

For Registrar Of Trade Marks



8. Perusal of the aforesaid order shows that the only ground on which the opposition proceedings filed by the appellant were dismissed was, on the ground of the said application having been abandoned.
9. Mr. Tanmaya Mehta, learned counsel appearing for the appellant submits that no intimation had been received by the appellant herein, on account of which, no statement was filed by the appellant before the Trade Marks Registry.
10. Learned counsel appearing for respondent no. 1, i.e., Registrar of Trademarks, submits that since there was migration of email system in the respondent no. 1 office, therefore, the Registrar of Trademarks is agreeable to issue notice of opposition on the application filed by the appellant, by giving the benefit of doubt to the appellant.
11. Learned counsel appearing for respondent no. 1 submits that the requisite notice of opposition shall be issued by the Registrar of Trademarks within a period of two weeks from today.
12. The aforesaid statement is taken note of.
13. Accordingly, on the statement made by learned counsel appearing for respondent no. 1, the application no. 4497981 in Class 25, as filed by the appellant before the Registrar of Trademarks, is hereby restored.
14. It is directed that the application filed by the appellant, shall be dealt in accordance with law.
15. The impugned order dated 28th October, 2023 is hereby set aside.
16. The present appeal stands allowed in the aforesaid terms.
17. Needless to say, this Court has not expressed any opinion on the merits of the case.



18. Accordingly, the appeal along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

JANUARY 15, 2025

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

I.A. 1069/2025 and I.A. 1126/2025

In

+ CS(COMM) 113/2024

SRINATH KUMBARGERI VENKATACHALAPPAPlaintiff

Through: Mr. Tanmaya Mehta, Ms. Karmanya
Singh Sareen, Mr. Krishnagopal
Abhay, Mr. Sahib Singh Dhillon and
Ms. Pari Bhardwaj, Advocates

versus

C.A. SHIVARAM & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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16.01.2025

**I.A. 1126/2025 (seeking permission to file electronically signed and
notarised affidavit)**

1. For the reasons stated in the application, the same is allowed.
2. **The applicant's Constituted Attorney is permitted to file an electronic
signed and notarised affidavit along with the present application as well as**

I.A. 1069/2025.

**I.A. 1069/2025 (seeking refund of Court fees under Section 16 of Court
Fee Act)**

3. This application has been filed by the plaintiff seeking refund of the
Court Fee.

CS(COMM) 113/2024

Page 1 of 2



4. The present suit was settled before the Delhi High Court Mediation and Conciliation Centre *vide* settlement agreement dated 18th November, 2024.
5. The settlement between the parties was recorded on 10th December, 2024, however, at the time of recording the settlement, inadvertently, the order directing the refund of the Court Fee was not pressed.
6. In view of the fact that the matter has been settled in mediation proceedings, the Registry is directed to issue a certificate of refund of 100% of the court fees in favour of the plaintiff, in terms of Section 16 of the Court Fees Act, 1870 read with Section 89 of Code of Civil Procedure, 1908.
7. The application stands disposed of.

AMIT BANSAL, J

JANUARY 16, 2025
ds