

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **FAO(OS) 520/2010**

DUKE FASHIONS Appellant
 Through: Ms.Anuradha Salhotra, Mr.Sumit
 Wadhwa and Mr.Zeeshan Khan,
 Advocates.

versus

GIRISH HOSIERY PVT LTD & ORS Respondent
 Through: Mr. Sagar Chandra and Mr.Umesh
 Mishra, Advocates.

+ **FAO(OS) 539/2010**

GIRISH HOSIERY PVT LTD & ORS Appellant
 Through: Mr. Sagar Chandra and Mr.Umesh
 Mishra, Advocates.

versus

DUKE FASHIONS INDIA LTD Respondent
 Through: Ms.Anuradha Salhotra, Mr.Sumit
 Wadhwa and Mr.Zeeshan Khan,
 Advocates.

+ **FAO(OS) 540/2010**

GIRISH HOSIERY PVT LTD & ORS Appellant
 Through: Mr. Sagar Chandra and Mr.Umesh
 Mishra, Advocates.

versus

DUKE FASHIONS INDIA LTD Respondent
 Through: Ms.Anuradha Salhotra, Mr.Sumit
 Wadhwa and Mr.Zeeshan Khan,
 Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
28.02.2013

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It is agreed that the appeals be disposed of with the following agreed directions

- i) The interim orders impugned in the present cross-appeals would continue to operate till the decision before the IPAB and would not in any manner prejudice the final verdict in the suit and the decision before the IPAB, being prima facie in character.
- ii) There are stated to be eleven registrations of Duke Fashions to which rectifications have been filed by Girish Hosiery Pvt. Ltd while in case of one registration of Girish Hosiery Pvt. Limited, the rectification has been filed by Duke Fashions. There is some controversy as to whether all these rectification applications are to be taken up together or separately. This aspect is left to the IPAB.
- iii) The pleadings in the rectification application filed by Duke Fashions is stated to be complete while in respect of the eleven rectification applications filed by Girish Hosiery Pvt. Ltd, the rejoinder has to be filed, which shall be filed within four weeks from today. This would ensure completion of pleadings.
- iv) The IPAB has long sittings at Chennai though it does visit Delhi for its sittings. We are informed that if parties are agreeable to

have the hearing at Chennai, expeditious hearing is possible and thus for that purpose, learned counsel for the parties agree that the hearing of the rectifications applications can take place at Chennai.

The appeals accordingly stand disposed of.


SANJAY KISHAN KAUL, J


INDERMEET KAUR, J

FEBRUARY 28, 2013/dm