

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2238 of 2015

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ORDER :

This civil revision petition is filed under Article 227 of the Constitution of India, seeking directions for disposal of interlocutory application in I.A.No.524 of 2013 in O.S.No.177 of 2013 pending before the III-Additional Chief Judge, City Civil Court, Hyderabad.

2. Petitioner is plaintiff in the above suit, which is filed with the following prayer:

“The plaintiff prays that the Hon’ble Court may be pleased to pass a decree:

- i) permanent injunction restraining the defendants, their successors in interest, assignees, servants, subordinates, representatives, agents and all other persons claiming under him and acting in concert with them from passing off their goods as those of the plaintiff’s under the impugned trade name BRIGHT, or any trademark, which is either phonetically, visually or deceptively similar to the trademark, BRIGHT of the plaintiff;
- ii) damages for causing loss to the reputation and goodwill of the business of the plaintiff;
- iii) delivery up of the all the goods and other material including stationary bearing the impugned trademark, BRIGHT which is phonetically, visually and structurally same or similar to that of the plaintiff’s trademark, BRIGHT; and
- iv) costs of the suit and such other and further reliefs as nature and circumstances of the case may require.”

3. Pending the suit, interlocutory application in

I.A.No.524 of 2013 is filed under Order 39 Rules 1 & 2 r/w.Sec.151 CPC, for ad-interim injunction, which was originally allowed by order dated 18.02.2014, as against which, matter is carried in appeal before this Court in C.M.A.No.476 of 2014, which was allowed by order dated 04.02.2015 and the matter was remanded.

4. In this revision, it is the case of petitioner that even though this Court disposed of the C.M.A. on 04.02.2015, I.A.No.524 of 2013 is not taken up for consideration so far. As much as the I.A. is of 2013 and as it was originally allowed on 18.02.2014 and thereafter remanded pursuant to order of this Court in C.M.A.No.476 of 2014, this Court deems it appropriate to dispose of this revision with a direction to the learned III-Additional Chief Judge, City Civil Court, Hyderabad, to dispose of I.A.No.524 of 2013 in O.S.No.177 of 2013 within a period of six weeks from the date of receipt of this order.

5. Subject to the above direction, this revision petition is disposed of. No costs. Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

19th June 2015

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