

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(112)

**CR No.3036 of 2015 (O&M)
Decided on: August 03, 2015.**

M/s Mehsana District Coop. Milk Producers Union Ltd and another

.... Petitioners

Versus

M/s Pure Milk Products Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. A.S. Grewal, Advocate,
for the petitioners.

M.M.S. BEDI, J (ORAL)

This is defendant's revision petition against order Annexure P-1 dated 18.10.2014 dismissing an application filed under Order 7 Rule 11 CPC filed in the year 2013 in a suit for declaration regarding infringement threats issued by the defendants-petitioners, filed by the plaintiff-respondent.

Learned counsel for the petitioners has vehemently contended that the suit is not maintainable as per Section 142 (2) of the Trade Marks Act, 1999 and it deserves to be dismissed.

I have heard learned counsel for the petitioners and I am of the opinion that the parties are already at issues on the disputed questions of facts and law.

I do not find any infirmity in the order passed by the trial Court while dismissing the application.

This petition is dismissed without prejudice to the rights of the defendant-petitioners to raise all the legal pleas taken up in this petition in the suit and contest the same before the trial Court. Dismissal of this application or the application under Order 7 Rule 11 CPC of the defendant-petitioners will not affect the merits of the case in any manner.

(M.M.S. BEDI)
JUDGE

August 03, 2015
harsha