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

+ W.P.(C) 2705/2014 & CM No. 5619/2014

M/S. JAI DURGA ELECTRICALS Petitioner
Through: Mr Ashok Mital, Adv.

versus

MEX SWITCHGEARS PVT TLD. Respondent
Through: Mr Shailen Bhatia, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **06.05.2015**

1. This is a writ petition which is directed against the order of the Intellectual Property Appellate Board dated 21.11.2013. The respondent herein had preferred an appeal to the IPAB against the order of the Deputy Registrar, Trademarks dated 20.07.2012.

1.1 By way of the impugned order, the IPAB, in effect, has remanded the matter to the Deputy Registrar for a de novo adjudication on merits. A time frame of nine months was given for this purpose.

2. The petitioner before me, aggrieved by the order of the IPAB, obtained a stay of the impugned order.

3. After some arguments, counsels are agreed that the writ petition can be disposed of with the following directions:

(i) The Deputy Registrar will re-hear the parties and for this purpose give opportunity for leading evidence in the matter.

(ii) In order to expedite the proceedings, the respondent will file its

evidence within eight weeks from today. The copies of the documents filed and evidence placed on record will be furnished to the counsel for the petitioner.

(iii) Thereafter, the petitioner will be at liberty to file its evidence-in-reply; an exercise which will be carried out within six weeks.

(iv) The respondent, will thereafter, be given an opportunity to file its evidence-in-rebuttal. This exercise will be completed within four weeks.

(v) The Deputy Registrar will hear the parties before proceeding to decide the matter.

4. Any observations made by the IPAB on the merits of the case qua either party will not come in the way of the adjudication by the Deputy Registrar.

5. The writ petition and the application are disposed of with the aforesaid directions.

RAJIV SHAKDHER, J

MAY 06, 2015

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