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

+ CS(OS) 3347/2014 and I.A. 21655/2014

BURGER KING INDIA PVT LTD & ANR Plaintiffs
Through: Mr. Anush Raajan, Advocate for
plaintiff No.1.
Mr. Pravin Anand, Advocate with Mr. Raunaq
Kamath, Advocate for plaintiff No.2

versus

VISHAMBER SHEWAKRAMANI & ORS Defendants
Through: Mr. Amarjit Singh, Advocate with
Ms. Sadhvi Saraf, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
11.02.2015

1. The plaintiffs have instituted the present suit praying *inter alia* for an anti suit injunction, restraining the defendants from acting for or on their behalf, from instituting any suit, application or proceedings in any court of law or authority, other than the Delhi High Court against them in relation to adoption and/or use of the trade mark, "BURGER KING" including as a part of a corporate name in India or in relation to any issue, which forms the subject matter of dispute raised in CS(OS) 2429/2014, till a final decision is rendered in the said suit.
2. On 07.11.2014, it was recorded that both the parties had agreed that till the next date of hearing, they would maintain *status quo* with

regard to any fresh legal proceedings and would not proceed to file any other matter after institution of CS(OS) 2429/2014, a suit already pending adjudication in this Court. On 26.11.2014, in view of the statement made by the counsel for the defendants, the order dated 07.11.2014 was modified to the extent that the rectification proceedings filed in respect of Burger King Corporation of USA in IPAB, Chennai as detailed in the said order, would be proceeded with in accordance with law.

3. Today, Mr. Amarjit Singh, learned counsel for the defendants submits that apart from the proceedings pending before the IPAB, Chennai, an application has been filed by the defendants before the Registrar of Companies, Mumbai, under Section 16 of the Companies Act, 2013, which is pending adjudication. He hands over a copy of the notice dated 20.01.2015 issued by the Regional Director, Western Region, Ministry of Corporate Affairs, calling upon the defendant No.4 to appear before him on 18.02.2015, for a personal hearing in respect of the rectification of name application filed under Section 16 of the Companies Act, 2013. The said notice is taken on record with a copy furnished to the counsel for the plaintiffs. Lastly, it is stated by the counsel for the defendants that his client have already filed a counter claim, registered as CC 59/2014 in CS(OS) 2429/2014, a suit

instituted by the plaintiff and apart from prosecuting the said counter claim and pursuing the aforesaid two proceedings, one pending before the IPAB, Chennai and the other pending before the ROC, Mumbai, his clients do not intend to institute any other proceeding against the plaintiffs in any court subordinate to this Court.

4. Counsel for the plaintiffs states that in view of the submissions made by the counsel for the defendants, nothing further survives for adjudication in the present suit.

5. While binding the defendants to the statement recorded hereinabove, the present suit is disposed of alongwith the pending applications, while leaving the parties to bear their own costs.

HIMA KOHLI, J

FEBRUARY 11, 2015

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