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

+ **FAO(OS) 665/2015**

RAASHEE FRAGRANCES INDIA PVT LTD

..... Appellant

Through: Mr Sagar Chandra, Ms Niharika Swaroop and
Mr Govind K. Chaturvedi

versus

KAMLA KANT AND COMPANY LLP

..... Respondent

Through: Mr Sushant Singh

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **07.12.2015**

CM Nos. 29640-41/2015 (exemptions)

The exemptions are allowed subject to all just exceptions.

CAV 1251/2015

The learned counsel for the respondent / caveator is present.

The caveat stands discharged.

FAO(OS) 665/2015 and CM No. 29639/2015

We find from the impugned order that the appellant has not been manufacturing and it is not manufacturing the product in question nor is it selling the same under the mark 'RAASHEE'. Therefore, apart from anything else, no irreparable harm or injury could be cause to the appellant by virtue of the injunction granted by the learned Single Judge. The balance of convenience also does not entail interference with the injunction order. The question of *prima-facie* case need not be gone into at this stage in view of the above. We are, therefore, not interfering with the impugned order except to the extent

that the costs of Rs 50,000/- stand waived. The learned counsel for the appellant has requested that a direction be given to expedite the trial in the suit. The learned counsel for the respondent also has no objection to this. Consequently, we direct that the suit be expedited as only a handful of witnesses are sought to be examined on both sides. The learned Single Judge may consider the appointment of a Local Commissioner for expediting the same. An appropriate application shall be jointly moved by the learned counsel for the parties before the learned Single Judge for framing a fresh schedule in the trial, which we have directed to be expedited.

We also make it clear that the observations made by the learned Single Judge in the impugned order are only prima-facie observations and will not come in the way of the parties in the final determination in the suit.

The appeal stands disposed of.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

DECEMBER 07, 2015
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