

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO NO. 1630 of 2015 (O&M)
DATE OF DECISION: 12.02.2016

Inder Chand Aggarwal

....Appellant

versus

Jai Kishan Aggarwal and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE

Present : Mr. Harsh Aggarwal, Advocate, for the applicant/appellant.
Mr. Anil Kumar Aggarwal, Advocate, for the respondents.

S. J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

This is an appeal against the interlocutory order passed by the learned Judge refusing interim reliefs in a passing off action on the ground that the appellant has not established that it was the prior user of the trademark 'DRIPSEAL'.

Learned counsel appearing on behalf of the appellant states that certain crucial documents which would establish the appellant's case were not placed before the trial Court.

In that event the appellant must adopt appropriate proceedings relying upon the documents in support of an application for grant of injunction. In the event of the appellant filing any such proceedings, the same will naturally be decided in accordance with law. All the contentions of the parties including the maintainability of the application are kept open. It is clarified, however, that the trial of the civil suit shall not be effected in any manner whatsoever on account of the fresh application.

Appeal stands disposed of.

12.02.2016
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(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE