

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

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FAO No.4998 of 2015(O & M)

Date of Decision:07.12.2016

M/s Pashu Rattan Feed Care, District Mahendergarhappellant

Versus

M/s Minza Herbals, Hisarrespondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.O.P.Goyal, Senior Advocate with
Ms.Sunita Gupta, Advocate
for the appellant

Mr.Rose Gupta, Advocate
for the respondent

ARUN PALLI, J. (ORAL):

The appellant-defendant is in appeal arising out of an application for injunction under Order 39 Rule 1 and 2 CPC. Vide order being assailed dated 15.07.2015, the trial Court enjoined the appellant-defendant from using the words “Mija Khand” or “Miza Khand” or any other deceptively similar trade mark throughout Haryana till the disposal of the suit.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let this appeal be disposed of, only, with a direction to the Court that is seized of the matter, to decide the suit itself, within a specified time. For, evidence of the defendant is being recorded and two of its witnesses have already been examined.

That being so, and, without examining the dispute on merits, the appeal is disposed of, with a direction to the Additional District Judge,

Hisar, to dispose of the suit, as expeditiously as possible, and preferably, within a period of three months from the receipt of the certified copy of this order. Needless to assert that the Court shall decide the lis in the wake of the evidence that shall be led by the parties, and in accordance with law, uninfluenced by the order of injunction dated 15.07.2015.

The appeal stands disposed of.

07.12.2016

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(ARUN PALLI)
JUDGE