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

+ CM(M) 802/2016

M/S INTER IKEA SYSTEMS B V Petitioner
Through Ms.Shwetasree and Mr.Ayush Bansal,
Advocates.

versus

M/S IKEA HOME DECOR PVT LTD Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **22.08.2016**

CM No. 30262/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 802/2016 and CM No.30261/2016 (stay)

1. By the present petition, the petitioner seeks to impugn the order dated 27.04.2016 by which the application of the petitioner under Order VII Rule 14(3) CPC was only partly allowed.
2. Learned counsel appearing for the petitioner submits that the defendant is ex parte. She submits that the petitioner company has not yet started retail sales in India and these documents are necessary to show use and reputation of the trade mark in India. She further submits that as far as the documents listed at Serial Nos. 1 and 2 of the index are concerned, these are the extracts from the petitioner's websites which have already been filed and the documents which are now being filed are the complete on-line

catalogues. As far as the documents listed at Serial Nos. 5 and 6 are concerned, they pertain to proof of ownership of the domain name. Documents listed at serial Nos. 4, 7 8 show user and reputation of the trade mark of the petitioner.

3. Keeping in view the nature of the controversy and the fact that the defendant/respondent is ex parte, there are sufficient grounds to allow the petitioner to place these documents on record. The impugned order dated 27.04.2016 is accordingly quashed.

4. The application of the petitioner under Order VII Rule 14(3) CPC is allowed.

5. The petition is disposed off.

JAYANT NATH, J

AUGUST 22, 2016
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