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

+ **FAO 149/2015 & C.M. Nos.8585/2015, 8587/2015, 23651/2015**

M/S SHALIMAR SEAL AND TAR PRODUCTS (P) LTD

..... Appellant

Through: Ms. Prathiba M. Singh, Senior Advocate
with Ms. Kamna S. Nagpal, Ms. Suhasini
Raina & Mr. Sumit Nagpal, Advocates.

versus

M/S STP LTD

..... Respondent

Through: Mr. J.P. Sengh, Senior Advocate with
Mr. M.K. Miglani, Mr. Jenis Francis,
Mr. Rohit Sharma, Mr. Gaurav Beri &
Mr. Ankit Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% **01.02.2016**

1. Both the learned senior counsel for the parties have agreed that without prejudice to the rights and contentions of both the parties, the impugned order, so far as it restrains the present appellant under paragraph 23 of the judgment dated 17.1.2015 shall stand modified in terms of the following order :-

(i) Henceforth the appellant shall use the mark 'ShaliPlast' for a period of six months subject to a prominent disclaimer being reflected on the advertisement, promotional material, website, packaging, stationary, etc. to the effect that "Not connected with M/s. STP Limited" in any manner whatsoever.

(ii) The learned trial judge has already framed the issues on 17.1.2015 and the plaintiff, who is the respondent herein, has to adduce the evidence in the first instance. Mr. J.P. Sengh, the learned senior counsel for the respondent/plaintiff has pointed out that the next date before the learned trial court is 10.2.2016 for appearance of the parties. On the next date, the learned trial judge shall fix a further schedule for production of evidence by both the sides.

(iii) The trial is to be concluded within a period of six months. Both the parties shall be given 2 ½ months for the purpose of production of their respective evidence. The aforesaid period of six months will be reckoned from the date first fixed by the learned trial judge for the purpose of recording of cross-examination of the respondent/plaintiff evidence.

(iv) The respondent/plaintiff shall file its examination-in-chief by way of affidavits along with the list of witnesses within a period of three weeks from today before the learned trial judge and supply a copy thereof to the appellant/defendant.

2. The learned trial judge, within the confines of the outer limits fixed hereinabove, shall try to conclude the evidence as expeditiously as possible and the entire trial not later than six months from the date of first recording of cross-examination of the plaintiff's evidence.

3. During this period, that is, the period starting from today onwards and till the time of conclusion of the trial, the appellant/defendant shall maintain the statement of accounts of sales of its product under the trade name 'ShaliPlast' on monthly basis and the same shall be filed before the learned trial judge after supplying an advance copy of the same to the learned counsel for the respondent/plaintiff. The statement so submitted shall be subject to such orders as the learned trial judge may like to pass at the time of termination of proceedings.

4. The learned trial judge shall submit a compliance report after expiry of six months with the Registrar General of this court for his kind perusal.

5. With the aforesaid directions, the appeal stands disposed of.

V.K. SHALI, J.

FEBRUARY 01, 2016
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