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

+ **FAO 468/2016**

TRIKOOT IRON AND STEEL CASTING LTD & ANR

..... Appellants

Through: Mr. Mohan Vidhani and Mr.
Ashish Singh, Advocates

versus

JINDAL ROLLING MILLS LIMITED & ANRRespondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **23.09.2016**

C.M.No.35127/2016 (Exemption)

Application is disposed of with direction to file requisite certified copies and legible copies before the next date of hearing.

FAO 468/2016 & C.M.35128/2016 (additional evidence) & 35126/2016 (stay)

In a suit relating to infringement of trademark, impugned order of 1st September, 2016 restrains appellants-defendants from manufacturing, offering for sale, advertising, etc., the goods with identically deceptive/confusing/similar trademark “JINDAL”.

Learned counsel for appellants-defendants submits that the territorial jurisdiction is of the courts of Muzaffar Nagar and not of Delhi Courts and that a caveat was also filed by appellants-defendants in the Muzaffar Nagar courts.

Learned counsel for appellants has sought to argue this appeal on merits, but he has been restrained from doing so for the reason that appellants have an alternate and efficacious remedy of filing an application under Order 39 Rule 4 of CPC before trial court to seek vacation of the impugned order. It is stated that next date before trial court is for filing written statement by appellants-defendants.

This appeal and the applications are not entertained with liberty to file an application under Order 39 Rule 4 of CPC to seek vacation of the impugned order before trial court.

At this stage, learned counsel for appellants submits that the application under Order 39 Rule 4 of CPC would be filed on 29th September, 2016. If it is so done, then trial court shall endeavour to decide the said application expeditiously in view of provisions of Order 39 Rule 3A of CPC.

This appeal and the applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

SEPTEMBER 23, 2016

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