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

+ **FAO(OS) 600/2015**

M/S VARUN GEMS

..... Appellant

Represented by: Ms.Pratibha M.Singh,
Sr.Advocate instructed by
Mr.Jasmeet Singh, Ms.Radha
Chawla, Ms.Astha Sharma,
Advocates

versus

M/S PRECIOUS JEWELS & ORS

..... Respondents

Represented by: Mr.Ankit Agarwal, advocate
for Mr.J.K.Sethi, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **09.02.2016**

1. In view of the Full Bench decision pronounced on February 05, 2016 in FAO(OS)403/2012 as also the law declared in the decision reported as 2010 (43) PTC 479 (Del.)(DB) Puma Stationer P. Ltd. & Anr. Vs. Hindustan Pencils Ltd., with consent of learned counsel for the parties we set aside the impugned order dated August 06, 2015 and restore IA No.14056/2012 for the reason the Full Bench decision concerning interpretation of Section 124 of the Trade Marks Act, 1999 requires a discretion to be exercised concerning stay of the suit where rectification of a registered trade mark filed post the suit, is pending and not as a mechanical exercise of staying the suit.

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2. Having revived IA No.14056/2012 filed by the defendants, which application has been restored, we direct the Registry to list IA No.14056/2012 before the Roster Bench for directions on February 18, 2016.

CM No.24840/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 09, 2016

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