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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 10/2017 & IAs No.107/2017 (u/O XXXIX R-1&2 CPC)  
& 2072/2017 (of D-1 to 3 u/S 8 of Arbitration & Conciliation Act,  
1996)

SHEMFORD SCHOOLS PRIVATE LIMITED & ANR ..... Plaintiffs  
Through: Mr. Gaurav Miglani and Mr. Samreen  
Khan, Advs.

Versus

GYANESHWAR TIWARI & ORS ..... Defendants  
Through: Mr. S.K. Bansal and Mr. Rakesh  
Mittal, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**16.02.2017**

1. The counsel for the defendants No.1 to 3 states that though the said defendants have filed IA No.2072/2017 under Section 8 of the Arbitration and Conciliation Act, 1996 and have also filed their written statement contesting the suit which has not come on record and a copy whereof is handed over in the Court and is taken on record, but the said defendants, if given reasonable time to change the name of their School and if the plaintiffs give up other reliefs, would be willing to suffer a decree of injunction.

2. The counsel for the plaintiffs has fairly agreed that if the defendants change the name of their School with effect from the next academic session, so as to not have the mark 'SHEMFORD' as part of the name of the School of the defendants, the plaintiffs would not press for the other reliefs.

3. After hearing the counsels, it is deemed appropriate to though grant the relief of permanent injunction as claimed in prayer paragraph 33(i) to (v) of the plaint and against the defendant No.4 in terms of prayer paragraph 33(vi) of the plaint, but making the same effective with effect from 1<sup>st</sup> August, 2017.

4. Since the counsel for the plaintiffs, though was wanting the injunction to be operative from 15<sup>th</sup> April, 2017, has been persuaded to agree to time till 1<sup>st</sup> August, 2017, it is made clear that no extension would be granted on any grounds whatsoever, even if the requisite approval of the concerned Directorate of Education or the Central Board of Secondary Education or any other Board of Education with which the School of the defendants may be affiliated, is not obtained/granted.

5. A decree is accordingly passed in favour of the two plaintiffs namely Shemford Schools Private Limited and Mr. Amol Arora and against the defendants No.1 to 3 namely Mr. Gyaneshwar Tiwari, M/s. Shemford Futuristic School and M/s Jamunapar Gram Vikas Sewa Sansthan Society of permanent injunction in terms of prayer paragraph 33(i) to (v) of the plaint. A decree is also passed in favour of the plaintiffs and against the defendant No.4 namely Public Domain Registry in terms of prayer paragraph 33(vi) of the plaint. The said decree is however made operative with effect from 1<sup>st</sup> August, 2017.

**RAJIV SAHAI ENDLAW, J.**

**FEBRUARY 16, 2017**

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