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

+ **FAO(OS) (COMM) 18/2017**

MARICO LIMITED

..... Appellant

Through: Mr C.M. Lall with Ms Shika Sachdeva
& Mr Prafhat Kalra, Advs.

versus

MUKESH KUMAR M/S KEDIA INDUSTRIES & ORS Respondents

Through: Mr Jaspreet Singh Kapur, Adv.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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15.02.2017

We had attempted to resolve the controversy between the parties with regard to the label and colour. The learned counsel for the defendant had agreed to change the coconut device as well as the colour of the EVEREST label as also the coconut tree which is shown on the products. However, the matter got stuck with regard to the background colour, namely, the colour of the bottle itself.

According to the appellant/plaintiff, the defendant could use any colour bearing numbers PMS 288, 289, 295, 296, 281 and 282 in the pantone colour chart. The colour used by the appellant/plaintiff is PMS 285C. However, the suggestions given by the learned counsel for the appellant are not acceptable to the learned counsel for the defendant who suggests that they be permitted to use PMS 287, 2935, 2945. Unfortunately, this dispute could not get resolved here.

This matter has come up before us for the simple reason that the learned single Judge has given long date of 01.05.2017 in the matter. We feel that unresolved part of the dispute could be examined by the learned single Judge but

on an earlier date. Consequently, we direct that IA No.14758/2016 be listed before the learned single Judge on 21.02.2017 instead of 01.05.2017. The learned counsel for the appellant has also raised other issues with regard to the shape of the bottle but those would not be pressed only if the defendant accepted using any of the colours suggested by the appellant. The suggestions made towards the settlement are only to be taken as steps towards resolving the disputes. They are obviously not to be taken as concessions on either side.

The appeal stands disposed of.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

FEBRUARY 15, 2017

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