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

+ CM(M) 261/2017 and CM Nos. 8806-07/2017

MARKAZI JAMIAT AHLE HADES HIND (REGD.)..... Petitioner
Through Ms.Pratibha Singh, Sr. Advocate with
Mr.Tarique Siddiqui, Mr.Nilay Joshi, Mr.Tanveer
Ahmed and Ms.Reetika Gupta, Advocates.

versus

MAULANA SHEIKH SALAHUDDIN
MAQBOOD & ORS. Respondents
Through Mr.BaharU. Barqui, Advocate.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
03.03.2017

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1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 27.02.2017 of the trial court by which order the ex parte relief sought by the petitioner was declined and the matter was fixed for 26.04.2017.

2. The petitioner has filed a suit for perpetual injunction and rendition of accounts seeking a decree of perpetual injunction to restrain the respondents from using the name of the petitioner's society-Jamiat Ahle Hades Hind or any other name identical or deceptively similar to that of the petitioner society. Other connected reliefs are also sought. It is the contention of the petitioner that they were founded in 1906. It is urged that the name chosen by the respondents for their organisation cannot be identical or deceptively

similar to that of another incorporated society or other body incorporated. It is urged that now the respondents are indulging in activities of misrepresenting and giving the impression that the activities/funds are being raised by the petitioner Society. Various other allegations have been made in the plaint.

3. Learned senior counsel for the petitioner submits that a seminar is being held by the respondents tomorrow and day after tomorrow using the name of the petitioner and that this would needlessly damage the reputation and name of the petitioner. Hence, the urgency to file the present petition.

4. A perusal of the impugned order would show that the trial court noted that the matter came up for disposal on 23.02.2017. However, the averment that the respondents are going to organize a seminar on 04.03.2015 and 05.03.2017 has not been made in the application. Further, the petitioner did not press the application under Order 7 Rule 14 PC by which the documents were filed showing the advertisement of the respondents. It noted that the respondent had no occasion to respond to the allegations of organisation of the seminar. Further, the similar advertisement had been issued earlier. Hence, the court concluded that there is no urgency to dispose of the application under Order 39 Rule 1 and 2 CPC.

5. Learned counsel for the respondents submitted that there is no cause of action shown to have existed in favour of the petitioner and the suit itself is not maintainable. In any case, there is no attempt to deceive anyone. He, however, very fairly concedes that the respondents would at a prominent place in the hall put a placard stating that the seminar that is being organised has nothing to do with the plaintiff's organisation or connection or affiliation with the plaintiff's organisation.

6. This order is passed without prejudice to the rights and contentions of the parties.
7. In view of the above, the present petition and all pending applications also stand disposed of.
8. Copy of the order be given to both the parties under the signatures of the Court Master.

JAYANT NATH, J

MARCH 03, 2017
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