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

+ O.M.P.(I) (COMM.) 119/2017

TRINITY FASHION BROADCASTING AND
MERCHANDISING PVT. LTD

..... Petitioner

Through: Ms Tanya Dayal, Mr Kshetrageya
Nath Singh and Mr Avinash Menon,
Advocates (non-applicant).

versus

KASHIFF KHAN & ORS.

..... Respondents

Through: Mr Uday Pratap Singh and Mr Manoj
Kumar Dwivedi, Advocates for R-1
(applicant).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **24.03.2017**

IA No. 3750/2017

This is an application filed on behalf of the respondent, *inter alia*, praying that the order dated 14.03.2017 be clarified to reflect that the rights of the respondents under the master operator agreement dated 09.12.2014 are not affected.

The grievance of the applicant stems from notices issued by the petitioner where the order passed by this Court on 14.03.2017 has been interpreted as also restraining the respondents from associating with the 'F Brands'.

It is noticed that an inadvertent error has crept in paragraph 12 the order dated 14.03.2017 inasmuch as the order reads as only interdicting respondent no.2 and not respondent no.1. Paragraph 12 of the said order is

rectified to read as under

"12. In terms of the agreement between the parties, it was expressly agreed that respondent no.1 would have no right, title or interest in the F brand. The notice published by the said respondent, runs contrary to the express terms of the agreement. Accordingly, respondent nos. 1 and 2 or any of their agents are restrained from representing or holding out any representation that they are either the owners or have any right, title or interest in the 'F Brands' as set out in the petition."

As is clear from the above, this Court had restrained respondent nos. 1 and 2 and any of their agents from representing that they are either the owners or have any right, title or interest in the 'F Brands'. The said order was passed in reference to clause X of the agreement between the parties and the relevant clause was also quoted in the order dated 14.03.2017. Thus, there is no ambiguity in the order that requires further clarification

The learned counsel appearing for the non-applicant (petitioner) states that the reference was made to the order passed by this Court in the notices issued by the petitioner were inaccurate. She further states that no reference would be made to the order passed by this court which is in variance to its tenor; however, she further states that the petitioner would - without reference to the order passed by the court - continue to assert that the respondents have no right to use 'F Brands' as that is the petitioner's case.

In view of the above, the application is disposed of.

Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

MARCH 24, 2017
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