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

+ **FAO 340/2017, CM Appl. Nos.29339/2017 & 29340/2017**

VIPUL SETHI Appellant
Through **Ms. Aparna Jain, Advocate**

versus

M/S JAY GARMENT ACCESSORIES & ANR Respondents
Through **Mr. Sachin Gupta, Adv. for R-1**

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **08.09.2017**

C.M. Appl. No.29340/2017 (Exemption)

1. Exemption allowed, subject to all just exceptions.
C.M. stands disposed of.

FAO 340/2017 & CM Appl. No.29339/2017 (stay)

2. Learned counsel for the appellant has drawn attention of this Court to the statement made by the respondent no.1/plaintiff before the trial court on 30.08.2017 entitling the appellant/defendant to use the trademark 'Avister' as stated in the statement dated 30.08.2017 and it is accordingly stated that the appeal be disposed of as not pressed with liberties being given to the parties to urge all aspects at the time of disposal of the injunction application filed by the respondent no.1/plaintiff.
3. Ordered accordingly.
4. The trial court is requested to expedite the disposal of the injunction

application filed by the respondent no.1/plaintiff along with application under Order 39 Rule 4 CPC filed by the appellant/defendant.

5. Passing of this order is no reflection on the merits of the cases of the respective parties and which merits, so far as disposal of interim applications are concerned, will be examined by the trial court in accordance with law. Appeal and pending application are accordingly disposed of.

VALMIKI J. MEHTA, J

SEPTEMBER 08, 2017

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