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

+ **FAO 306/2015**

NEETU SINGH & ANR

..... Appellants

Through: Ms. Rajeshwari, Advocate.

Versus

RAJEEV SAUMITRA & ANR

..... Respondents

Through: Mr. P.V.Kapur, Senior Advocate with
Mr. Murari Tiwari, Advocate, Mr.
Rahul Kumar, Advocate, Mr. Devesh
Gupta, Advocate, Mr. Vimal Nagrath,
Advocate, Mr. Sidharth Kapur,
Advocate, Ms. Kaveri Gupta,
Advocate and Mr. Purav Mehta,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **11.10.2017**

1. This first appeal under Order 43 Rule 1(r) of Code of Civil Procedure, 1908(CPC) is filed by the defendant no.1 in the suit impugning the judgment of the Trial Court dated 15.9.2015 which has allowed the injunction application filed by the respondent no.1/plaintiff and passed the following operative para in the judgment as under:-

“24. Therefore, the application under consideration is hereby allowed and the defendant is hereby restrained from using the initial name of “Paramount” from M/s Paramount Coaching Centre Pvt. Ltd., for her personal & individual benefits for her Personal Publication of Books, Journals, including “Paramount Reader” books in the name of “Paramount” Test Series and other books using the name of “Paramount: such as English, Arithmetic, SSC tier I, SSC tier II, SSC CGL, Biology, Chemistry, Banking, Interview and in all printed and on-line material and other material either in the form of books, journals or in the form of “Soft” copy or in “On-line material” till the final disposal of the present suit.”

2. It is not disputed that the parties being the appellant no.1 and the respondent no.1 in a connected litigation agreed to a consent order dated 21.3.2016. This consent order dated 21.3.2016 is passed in FAO(OS) No.60/2016 and the only relevant para of this order which is required to be referred to for the purpose of disposal of this present appeal is para 10 and this para 10 reads as under:-

“10. The directions given in paragraph 87 by the learned Single Judge stand modified to the following extent:-

“The respondents 1 & 2 shall not use the mark “PARAMOUNT”, its goodwill and the said respondents shall not poach teachers, students or staff members of Paramount Coaching Centre Private Limited and shall remove the word “PARAMOUNT” from all hoardings, advertisements, brochures and other materials within one week from today.”

It is made clear that if teachers, students or staff members voluntary seek employment with respondent Nos.1 & 2, it would not amount to poaching.”

3. A reading of the para 10 of the consent order dated 21.3.2016 shows that the appellant has agreed not to use the word “PARAMOUNT”. What is however the scope and operation of such an order is not for this Court to decide in this appeal in the sense that the appellant no.1 states that she is not using the expression “PARAMOUNT” for her business and appellants are entitled to use this expression in a normal english language sentence whether as a title of the book or within the book. Respondent no.1 vehemently states that the appellants cannot be permitted to use the heading in her book which is titled as “English for General Competitions from Plinth to Paramount Vol-1 (Hindi)”.

4. In my opinion, since para 10 of the consent order dated 21.3.2016 is final and binding between the parties, it is directed that the parties will abide by para 10 of the order dated 21.3.2016 in FAO(OS) No.60/2016. This Court however does not in one way or the other express any opinion on the entitlement claimed by the appellant no.1 to the title of her book as stated above and as to whether the same does or does not in any manner violate para 10 of the consent order dated 21.3.2016. If there is any violation of the consent order dated 21.3.2016 the same will be examined in

any appropriate proceedings initiated by any party.

5. This appeal is accordingly disposed of in terms of aforesaid agreed order. Parties so far as their disputes with respect to use of the word “PARAMOUNT” are concerned will abide by para 10 of the order dated 21.3.2016 passed in FAO(OS) No.60/2016.

VALMIKI J. MEHTA, J

OCTOBER 11, 2017

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