

\$~2

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

+ **FAO(OS) 62/2015**

TRANCE INTERNATIONAL & ANR

..... Appellants

Through Mr. H.P. Singh, Advocate along with
Mr. Navroop Singh and Mr. Vivek
Chaudhuri, Advocates.

versus

MAJA HEALTH CARE DIVISON

..... Respondent

Through Mr. Neeraj Grover, Mr. Aditya Singh
and Ms. Ragini Anand, Advocates.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

% 16.01.2018

The present appeal assails an order dated 14th November, 2014, passed by a learned Single Judge in CS(OS) 99/2013 titled as “*M/s Maja Health Care Division vs. M/s Trance International & Anr.*”, whereby, the appellants have been restrained from using marks “DIAMOND COBRA” and VELVET COBRA”, till the disposal of the suit.

It has been brought to our notice by learned counsel appearing on behalf of the parties that the subject suit is at the stage of recording of evidence and, in fact, the evidence on behalf of the plaintiff (respondent herein) has almost been concluded and only one formal witness remains to be examined.

Mr. H.P. Singh, learned counsel appearing on behalf of the appellants states that they propose to examine two witnesses in support of their defence in the subject suit.

In view of the foregoing, with the consent of learned counsel for the parties, we consider it appropriate to appoint a Local Commissioner to expedite the recording of evidence in the subject suit.

Mr. Neeraj Grover, learned counsel appearing on behalf of the respondent/plaintiff states that subject to further orders in relation to costs as may be rendered by this Court in the subject suit, they shall disburse the entire expense of the Local Commissioner for the purpose of recording of the evidence of the parties on the issue struck in the subject suit.

In view of the foregoing, Ms. Jyoti Taneja, Advocate (Mobile No. 9999500069) is appointed as Local Commissioner to record evidence in the subject suit. The fee of the Local Commissioner is fixed at a lump sum of Rs.75,000/-, plus incidental expenses as may be necessary.

The Registry is directed to render all assistance to the learned Local Commissioner in this behalf, including providing the requisite file on the dates on which evidence is to be recorded. An Officer of the Court shall remain present before the Local Commissioner along with the original file for the said purpose.

The first date of proceeding before the learned Local Commissioner is fixed as 20th February, 2018. The Local Commissioner shall endeavour to conclude the recording of evidence of the parties within a period of three months from that day. Upon conclusion of recording of evidence, the subject

suit be listed before the Court for final arguments.

For the foregoing reasons, Mr. H.P. Singh, learned counsel appearing on behalf of the appellants does not press this appeal, at this stage.

The appeal is disposed of accordingly.

Copy of the order be given *dasti* to learned counsel for the parties as well as learned Local Commissioner, under signature of the Court Master.

SIDDHARTH MRIDUL, J

PRATHIBA M. SINGH, J

JANUARY 16, 2018

rs