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

+ **FAO(OS) (COMM) 49/2018 and CM APPL. 10447-10449/2018**

SHIV BALAK GOSWAMI

..... Appellant

Through

Mr. Manav Kumar and Mr. Nupur
Sinha, Advs.

versus

MAHINDRA & MAHINDRA LTD

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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19.03.2018

The appellant is aggrieved by the impugned order of the Single Judge to vary the ex-parte ad interim order. The applicant has moved an application under Order 39 Rule 4 CPC contending that the use of mark 'Mahindra' by him was *bonafide* and innocent. The Single Judge had relied upon the authority of the Supreme Court judgment in *Mahendra & Mahendra Paper Mills Ltd. Vs. Mahindra & Mahindra Ltd.*, (2002) 2 SCC 147 and another judgment of Gujarat High Court to say that the use of identical marks even if it is in respect of diverse products and service, is likely to cause confusion because of its deceptive similarities. Having regard to the overall circumstances and the material on record, this Court is of the opinion that there is

no infirmity in the impugned order. The appeal is therefore dismissed. All the pending application also stand disposed of.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MARCH 19, 2018
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