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

+ LPA 163/2018

APAR INDUSTRIES LTD Appellant

Through: Mr. Manav Kumar with
Mr. Sheikh F. Kalia, Advs.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Kirtiman Singh, CGSC with
Mr. Prateek Dhanda, Advs. for R-1 and 3.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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02.04.2018

The appellant's grievance is with respect to the dismissal of its writ petition which had questioned the use of the expression "APAAR". The name of the fourth respondent's entity is 'APAAR Infratech Private Limited'. The appellant is carrying on business as 'APAR Industries Ltd.' since 1973, when it was incorporated.

After considering the submissions of the parties including the Registrar of Companies who had declined to grant relief to the appellant, the learned Single Judge considered the arguments and other materials such as the list of 61 companies, the names of which included "APAAR" and held that the rejection of the

appellant's request for cancellation under Section 22 of the Companies Act, 1956 did not call for interference.

Learned counsel relied upon the materials produced before the Single Judge and urged that the appellant is owner of the registered trade mark "APAR" in Classes 5 and 9 of the Second Schedule to the Trade Marks Act, 1999. This Court notices that this aspect too was examined by the learned Single Judge who weighed the balance of convenience and was of the opinion that having regard to the fact that "APAR" or "APAAR" meant the same in Hindi i.e. boundless or limitless which implied an element of *publici juris*, relief was not warranted.

This Court is of the opinion that there is no infirmity in the impugned order. The appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 02, 2018

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