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

+ **FAO(OS) (COMM) 93/2018 and CM Nos. 18022-18024/2018**

HARPREET SINGH & ANR. Appellants
Through Mr. V. N. Koura and Mr. Nikhil
Mundeta, Advs.

versus

INTEL CORPORATION Respondent
Through Mr. Ranjan Narula, Mr. Shashi P.
Ojha, and Ms. Astha Joshi, Advs.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **09.05.2018**

This intra court appeal filed under Section 13 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 challenges the order dated 07.02.2018 passed by the Single Judge in IA No. 3293/2015 filed in CS (Comm.) No. 223/2018 dismissing the appellant's application under Order VII, Rule 11 of the Code of Civil Procedure, 1908.

The respondent herein, plaintiff in the CS (Comm.) 223/2018 is an American Company known as INTEL Corporation. They have filed the aforesaid suit alleging infringement of trade mark, passing off, delivery-up, damages, rendition of accounts against the appellants for name/mark INTEL as their trademark, trade name, email address, website address etc.

After some hearing, learned counsel for the appellants states

that he would be satisfied if the Appellate Court clarifies that the observations made in the impugned order are *prima facie* and are not final findings on facts and law.

Learned counsel for the respondent states that the impugned order dismisses the application under Order VII, Rule 11 of the Code of Civil Procedure, 1908 on the ground that the plaint discloses cause of action. However, he accepts that parties are yet to lead and adduce evidence.

While we do not find any good reason to interfere with the impugned order, dismissing the application of the appellants under Order VII, Rule 11 of the Code of Civil Procedure, 1908, we would observe that any factual findings recorded are *prima facie* as the parties are to lead evidence before the Single Judge and depending upon the evidence, the parties would be entitled to argue the legal aspects and propositions including interpretation of different Sections involved.

Recording the aforesaid, the appeal is disposed of without any order as to costs. CM Nos. 18022-18024/2018 are also disposed of as infructuous.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MAY 09, 2018

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