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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 64/2018

RAJUL DEVI & ORS

..... Appellants

Through: Mr. M.K. Miglani & Mr. J.M.
George, Advocates

versus

VEDANT FASHIONS PVT LTD

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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13.04.2018

CM Nos.14140-41/2018

Allowed, subject to all just exceptions.

FAO(OS) No.64/2018 & CM Nos.14139 /2018, 14142/2018

Application for condonation of delay has been filed, as the appellants have also impugned the order dated 29.1.2015 along with the order dated 9.3.2018.

After some hearing, learned counsel for the appellants states that he would be satisfied if the application for stay and vacation of stay are disposed of at the earliest, for the appellants cannot use their trade name, which was adopted by them in 1991 and 1998. Respondent had first used the mark in 2002. He submits that the interim order has virtually restrained the appellants from carrying on their business.

We notice that the interim injunction was granted vide order dated 29.1.2015 and the appellants herein have been restrained by an *ex parte* injunction from manufacturing, selling products like clothes, readymade garments, wedding wears, sherwanis, etc. by using the word 'Manyavar'.

Suit and interim application had come-up for hearing before the learned Single Judge on 14.3.2018 and were adjourned to 9.7.2018.

We would observe that the interim application is now ripe for hearing. Learned counsel for the appellants states that he would be pressing for disposal of the application on 9.7.2018. We hope and trust that the request/prayer would be considered.

Recording the aforesaid, we dispose of the present appeal, giving liberty to the appellants to ask for revival of this appeal or file a fresh appeal, in case of delay. We clarify that we have not issued any direction or made any observations on merits. Accordingly, we have not issued notice to the respondent.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

APRIL 13, 2018

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