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

+ **FAO(OS) (COMM) 123/2018, CM APPL 25170//2018**

M/S VINAYAK INDUSTRIES & ORS Appellants

Through Mr. Neeraj Malhotra, Sr. Advocate with
Mr. Suwarn Rajan & Mr. Akshay
Srivastava, Advocates.

versus

MARICO LIMITED

..... Respondent

Through Mr. Chander M. Lall, Sr. Advocate with
Ms. Shikha Sachdeva, Ms. Mugdha
Palsule, Mr. Rupin Bahl & Mr. Vivian
Mathur, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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11.07.2018

The present appeal is directed against the order dated 16.05.2018 passed by the learned Single Judge by which the defendants/appellants herein have been restrained from marketing their hair oil under the name “Kingson Coconut Jasmine” in bottle/container of the shape and with the trade dress as shown in para 3 of the plaint.

Mr. Malhotra, learned senior counsel appearing for the appellant, submits that the aforesaid order has been passed without taking into account the defence set up in the written statement and believing the statement made by the counsel for the plaintiff that there was concealment on the part of the counsel for defendant, who had then appeared on 19.02.2018. He also submits that while passing the interim order, the principles upon which an injunction order is to be passed, were completely ignored.

Mr. Lal, learned senior counsel appearing for respondent, however,

reiterates that there is a concealment and misrepresentation on the part of appellant (defendant in the suit).

Mr. Lal further submits that when the matter was listed before the Vacation Bench, the date before the Single Judge i.e. 26.09.2018 was preponed and the I.A. no.2309/2018 was to be listed today before the Single Judge.

Be that as it may, counsels agree that since the pleadings are complete in the matter and the interim order passed was only till the next date of hearing in application being I.A. no.2309/2018, the date fixed by the learned Single Judge being 26.09.2018 be cancelled and the matter be listed for an earlier date for hearing I.A. no.2309/2018. Both counsels agree to cooperate with the Court and not to seek any adjournment in the matter.

List the matter before learned Single Judge on 19.07.2018.

The appeal as also CM APPL 25170/2018 (stay) is accordingly disposed of with the above agreed directions.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 11, 2018

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