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

+ **FAO(OS) 223/2016 & CM APPLS. 26788-26489/2016**

OK PLAY INDIA LIMITED

..... Appellant

Through Mr. Jayant Mehta, Mr. Kapil
Wadhwa, Ms. Devyani Nath and
Mr. Shubhankar, Advs.

versus

MAYANK AGGARWAL & ORS

..... Respondents

Through Mr. Nitin Sharma and Mr. Shobhit
Kumar Srivastava, Advs.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **27.02.2018**

This Court has considered the submissions of the parties and is not inclined to interfere with the impugned order of the Single Judge on merits having regard to the judgment of Supreme Court in *Wander Ltd. & Anr. vs Antox India P. Ltd.*, 1990 Supp (1) SCC 727.

Ld. counsel for the appellant submits that the judgment of Division Bench in *Microfibers Inc. vs. Giridhar and Co. & Anr.* requires to be considered afresh. This submission in our opinion cannot be appropriately gone into at this stage since the appeal is directed against an interlocutory order. All rights and contentions of the parties with respect to their case on merits and the appellant's contention with respect to separate protection under Section 2(d) of the Design Act read with Section 2 (c) of the Copyright Act are however reserved.

Ld. Single Judge may consider any request for expediting the trial and pass suitable orders thereon.

In the light of the above order, ld. appellant's counsel seeks liberty to withdraw the appeal. The plaintiff/appellant's counsel submits that he wishes to file supplementary affidavits in support of further evidence. Such affidavits, would be entertained, if such request is made during the course of trial through an application.

Dismissed as withdrawn in the above terms. All the pending applications also stand disposed of.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 27, 2018

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