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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 344/2018 and CM Nos. 29750/2018 & 29752/2018**

DARSHNAM LIFE SPACE PVT LTD Appellant
Through: **Mr.Mohan Vidhani and Mr.Rahul**
Vidhani, Advocates

versus

CENTRAL PARK ESTATE PVT LTD & ORS Respondents
Through: **Mr.Ajay Sahni, Advocate**

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **07.08.2018**

Vide the present appeal, the appellant assails the impugned order dated 5.7.2018 of the learned Additional District Judge-05 of the Patiala House Courts, New Delhi in TM No. 92/2018, whereby the defendant to the said suit arrayed on record as the appellants to the instant appeal, and its directors, principal officers etc are restrained till the next date of hearing before the learned trial Court i.e. 09.08.2018 from indulging in unfair trade practices by adopting/using the impugned infringing trademarks 'DARSHANAM CENTRAL PARK' or any other trademarks which are similar or deceptively similar to plaintiff No.1's trademark and also from marketing, selling, offering for sale, advertising, any housing and/or real estate projects or from directly or indirectly dealing in any other allied and/or cognate services in any manner whatsoever, including through their website www.darshanam.co.in or any other websites), which

incorporates or contains the leading and prominent feature 'Central Park' of the plaintiff No.1's, respondent to the present appeal registered trademark or any other deceptively similar trademark/name/logo of the plaintiff no.1's prior adopted, prior used and prior registered aforementioned trademark amounting to infringement of the said registered trademark of the plaintiff to the suit i.e., the respondent No.1 to the present appeal.

Vide the prayer clause made in the instant appeal, the vacation/suspension of the said *ex parte* injunction order has been sought. During the course of submissions that have now been made on behalf of the appellant, the prayer is confined qua the instant appeal to the extent of seeking permission for registration of sale deeds of 43 flats submitting to the effect that the project DARSHANAM CENTRAL PARK has a total 720 flats in its 20 towers out of which 613 flats have already been sold out to the buyers and sale deeds have already been registered and of 64 flats which still remain unsold, sale deeds of 43 flats are pending registration as on date.

On behalf of the respondent, it has been submitted that without prejudice to rights and contentions that would be raised in the proceedings in TM 92/2018 pending before the learned ADJ-05, the respondents have no opposition to the sale deeds of the 43 flats which have been averred in para 11 of the appeal stated to have already been sold of which the registration is to be done to be so done. The list of the buyers of all the flat members which are stated to have been sold out by the appellant as stated in para 11 of the appeal is directed to be

placed on record and registration in relation thereto may be made by the appellant in accordance with law.

Since the appellant has already confined the prayer now in the instant appeal to this extent there are no further orders necessitated.

Nothing stated herein above shall however amount to any expression on the merits or demerits of the submissions and pleadings made in TM 92/2018. Furthermore, the direction qua the registration of the sale deed in relation to 43 flats stated in para 11 of the appeal of which the list is to be submitted during the course of the day have any effect in relation to any other person who is not a party to the present *lis*. The said list of 43 flats and stated buyers has now been submitted on behalf of the appellant.

The appeal FAO 344/2018 and accompanying applications are disposed of accordingly.

Copy of the order be given *Dasti* under the signatures of the Court Master, as prayed.

ANU MALHOTRA, J

AUGUST 07, 2018/sv