

\$~5

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

+ FAO(OS) 122/2018, CAV.No.676/2018 &
CM Nos.29753-54/2018

%

Date of decision : 27th July, 2018

PRANEET SINGH DAVAR Appellant
Through : Mr. Akhshay Makhija, Adv.

versus

L S DAVAR & CO & ORS Respondents
Through : Mr. Y.P. Narula, Sr. Adv. with
Mr. Maanav Kumar, Adv.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

CAV.No.676/2018

The caveator is represented and has been heard. The caveat stands discharged.

CM No.29754/2018

Allowed, subject to just exceptions.

The application is disposed of.

FAO(OS) 122/2018

1. By this appeal, the appellant has assailed the order dated 2nd July, 2018 whereby an interim order has been passed prohibiting the

appellant/defendant in CS(OS)No.307/2018 from representing himself of being a partner of the respondent no.1/plaintiff no.1 firm or to be in any way associated with the said firm (*since he had retired on 14th November, 2018*), to any person, including, on 'LinkedIn' and/or on social media and/or on any other platform in any manner whatsoever and the appellant/defendant is also directed to delete/remove any reference of his association with the plaintiff no.1 since 14th November, 2014 including on his 'LinkedIn' page forthwith.

2. It is submitted by Mr. Akshay Makhija, Id. counsel for the appellant/sole defendant in the suit that the appellant would abide by the prohibition imposed upon him by the impugned order dated 2nd July, 2018. However, he is aggrieved by the *prima facie* opinion recorded by the Id. Single Judge with regard to the rectification proceedings which had been initiated by him before the Registrar of Trademarks.

3. We have given our considered thought to the matter. The Id. Single Judge has merely recorded a *prima facie* opinion and has yet to take a final view in the matter after the pleadings are completed and the parties are heard on the application filed by the plaintiff.

4. So far as the proceedings which have been initiated before the Registrar of Trademarks are concerned, the appellant has invoked a remedy provided in law under the Trade Marks Act, 1999 and the Registrar of Trademarks would have to consider the same on the petition on its merits. The respondents/plaintiffs would have a right to contest the same and place their contentions before that forum.

5. So far as the *prima facie* view recorded in the order dated 2nd

July, 2018 is concerned, the same is not a final determination of the matter either on the contentions of the plaintiffs or the appellant/defendant.

6. In view of the above, this appeal is disposed of with the direction that the Registrar of Trademarks shall proceed with the adjudication in the rectification proceedings initiated by the appellant uninfluenced by the *prima facie* opinion recorded in the order dated 2nd July, 2018.

7. We make it clear that we have not expressed any opinion on the *prima facie* view expressed by the Id. Single Judge.

CM No.29753/2018

In view of the orders passed in the appeal, this appeal does not survive for adjudication and is hereby dismissed.

Dasti to parties.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 27, 2018

aj