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

+ CS(COMM) 297/2017 & I.As. 6516/2015, 24331/2015
MANKIND PHARMA LIMITED Plaintiff

Through Mr. Hemant Daswani, Adv. with
Mr. A. Shukla, A.R.

versus

KSHITIJBARWE & ORS Defendants

Through Mr. Manoj K. Garg with Mr. Santosh
Kumar, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **14.09.2018**

I.A.80/2018

Present application has been filed on behalf of the defendant no.2 under Order VII Rule 10 CPC for return of the plaint on the ground that this Court does not have territorial jurisdiction.

Since admittedly the marks of both the plaintiff and defendants are registered, the benefit of Section 134(2) of Trade Marks Act, 1999 is not available to the plaintiff.

At this stage, learned counsel for plaintiff wishes to withdraw the present suit with liberty to file the same in an appropriate Court having territorial jurisdiction.

With the aforesaid liberty, present suit and pending applications stand disposed of.

MANMOHAN, J

SEPTEMBER 14, 2018/j