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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 368/2017 & CM APPL. 33102/2017, CM APPL. 6458/2018**
TABLEZ RETAIL PVT LTD & ORS

..... Appellants

Through: Mr. Pravin Anand, Mr. Vihav Mittal
and Mr. P. Dwiwedi, Advocates.

versus

YOGESH SHETTY

..... Respondent

Through: Mr. Ranjan Narula and Mr. Shashi P.
Ojha, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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19.02.2018

This appeal impugns an interim order dated 25.08.2017 restraining the appellants from using the trademark "Springfield". This trademark has been registered in favour of the respondent in Class-35. They state that their goodwill is being diluted by the continued use of the same by the appellants, insofar they have already opened three stores in India.

The impugned order was passed ex-parte. It was stayed by this Court on 11.09.2017. It is stated that the pleadings apropos the application under Order 39 Rule 1 & 2 CPC are yet to be completed before the Trial Court. The learned counsel for the appellant states, upon instructions that he would not press this appeal if a direction could be issued to the Trial Court to dispose-off the said application within a period of four weeks from the date on which the parties appear.

The learned counsel for the respondent relies upon a judgment of this

Court in FAO 25/2018 in *Marina Food Products Private Limited vs. Britannia Industries Limited* decided on 19.01.2018.

In view of the above, the parties are directed to appear before the Trial Court on 26.02.2018. The respondent shall file a rejoinder, if any, to the appellant's reply. The learned Trial Court is requested to dispose-off the application within a period of four weeks thereafter.

The interim protection granted by this Court is extended only till 26.02.2018. Thereafter, it would be for the Trial Court to decide whether to extend or to modify the same.

Nothing stated by this Court shall be deemed to be an expression on the merits of the case.

The appeal is disposed-off in the above terms.

NAJMI WAZIRI, J

FEBRUARY 19, 2018

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