

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-61-2020 (O&M)

Date of Decision: 09.01.2020

Dr. Karambir Faridabad Model Town Education Society

...Petitioner

Versus

Delhi Public School Society through its Secretary and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Sh. Jagvir Singh Hooda, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant has filed present revision petition against orders passed by Learned Civil Judge (Jr. Divn.), Faridabad on application under Section 151 CPC dismissing the suit on the ground, that continuance thereof would result in abuse of the process of the Court. Appeal filed against the aforesaid order has been dismissed by Learned District Judge, Faridabad.

Plaintiff claims that he holds franchise of Delhi Public School Private Limited, Madhubani (Bihar). Hence, certain publications, being made by Delhi Public School Society, F- Block, East of Kailash, New Delhi to the effect that the plaintiff has no connection with the DPS Society, are erroneous.

Both the Courts have held that Delhi High Court in Civil Suit has passed a final order dated 29.11.2016 restraining Delhi Public School Society, Madhubani from using the name of Delhi Public School. The petitioner is also defendant No. 11 in the suit pending before Delhi High Court. The Court has noticed that since the plaintiff claims to be franchise of the Delhi Public

School Society private Limited, Madhubani, therefore, plaintiff is also bound by the aforesaid final order. Existence of the order passed by Delhi High Court is not disputed. Delhi High Court has specifically restrained the defendants from using the mark 'DPS' which is logo and crest of Delhi Public School.

Keeping in view the aforesaid findings, which are not shown to be suffering from any perversity or error, there is no ground to interfere in the findings of the Court below.

Dismissed.

January 09, 2020
Mehak Huria

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No