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O.A.Nos.218 & 219 of 2021

in

C.S.No.140 of 2021

(Comm. Suit)

M.SUNDAR, J.,

This common order will now dispose of the captioned two applications.

2. In these proceedings, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Main suit has been filed by the plaintiff seeking relief *inter alia* for alleged infringement of their trademarks qua an edible oil.

4. Captioned applications were filed on 23.03.2021 which means they were filed along with plaint. To be noted, date of presentation of plaint is 23.03.2021 (date of institution of suit is 31.03.2021). This Commercial Division is informed that no interim orders have been granted.

5. This order has to be read in conjunction with and in continuation of separate proceedings made in main suit today (28.10.2022) which reads as follows:

'In the captioned suit, Ms.Preetha Natarajan, learned counsel representing the counsel on record for sole plaintiff



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and Mr.R.Sreedhar, learned counsel on record for lone defendant are before this Commercial Division.

2. Both learned counsel submit that pleadings are complete as 28 days delay on the part of defendant in filing written statement was condoned and written statement now forms part of the suit file.

3. Condonation of delay of 28 days qua filing of written statement was on 24.02.2022 vide A.No.399 of 2022 in C.S.No.140 of 2021. If this is taken as date of filing of written statement, inspection of documents should have been completed within 30 days and the same has elapsed.

4. However, both sides submit that they will now complete inspection of documents and admission and denial within a fortnight from today i.e., by 11.11.2022.

5. To be noted, thereafter the captioned suit will be listed for 'CASE MANAGEMENT HEARING' ['CMH'].

6. List a fortnight hence. List on 11.11.2022.'

6. The above proceedings made in the main suit would demonstrate that the main suit is well past its midway and it would be listed for 'CASE MANAGEMENT HEARING' ['CMH'] hearing a fortnight hence. In CMH hearing, time lines will be drawn up. Therefore, there will be time bound conclusion in the captioned suit i.e., as per time lines adumbrated in 'The Commercial Courts Act, 2015 (4 of 2016)' [hereinafter 'CCA' for



the sake of brevity].

7. In the light of narrative thus far, this Commercial Division is of the considered view that no useful purpose would be served by keeping the captioned applications pending as one is for relief of interim injunction pending suit qua passing off and the other is for interim injunction pending suit qua infringement.

8. Captioned applications are disposed of as closed albeit preserving all rights of plaintiff to take out applications with similar / same prayer if the time lines that are drawn up in the ensuing CMH listings got derailed or unduly delayed owing to defendant. If such a situation emerges, interim applications will be heard out on their own merits and in accordance with law depending on the discretion of this Commercial Division. Though obvious, it is made clear that this Commercial Division has not expressed any view or opinion on merits of the matter in this order disposing of the captioned applications. There shall be no order as to costs.

28.10.2022
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