

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

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**CR-2302-2022(O&M)
Date of Order: 01.06.2022**

Gurmukh Singh

..Petitioner

Versus

Jagmohan Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagdish Manchanda, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

The plaintiff in a suit filed under Section 27, 29, 134 and 135 of the Trade Marks Act, 1999 read with Section 51 and 55 of the Copyright Act, 1957, assails the correctness of an interlocutory order passed by the Additional Sessions Judge, Ludhiana, while vacating the interim order on the ground that the plaintiff has failed to comply with the interim order under Order 39 Rule 3 CPC.

Order 39 Rule 3 CPC mandates the delivery of the complete copy of the paper book by registered post to the opposite party when an ex parte interim temporary injunction is granted in favour of the appellant. In the present case, the Court has found that the plaintiff did not forward the complete paper book including copy of the application for injunction, copy of affidavit filed in support of the application, copy of the plaint and copies of the documents on which the applicant relies upon.

After having heard the learned counsel representing the petitioner, at some length, this court is of the opinion that the ends of justice would be met, if the trial court is requested to decide the application filed under Order 39 Rule 1 & 2 CPC after ensuring compliance of provisions of

Order 39 Rule 3 CPC. It may be noted here that the application under Order

39 Rule 1 & 2 CPC has still not been decided on merits.

In view thereof, the revision petition is disposed of while requesting the trial Court to decide the application filed under Order 39 Rule 1 & 2 CPC, on the next date of hearing fixed by the trial Court i.e. 12.07.2022 or within six weeks from today, positively.

All the pending miscellaneous applications, if any, are also disposed of.

June 01, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No