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

+ **CS(COMM) 673/2022 & I.A. 7201/2023**

JMD HERITAGE LAWNS PRIVATE LIMITED Plaintiff

Through: Ms. Deepika Pokharia, Adv.

versus

MR. ANKIT CHAWLA PROPRIETOR

SADDA PIND RESTAURANT Defendant

Through: Mr. Shubham Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

% 21.04.2023

I.A. 7201/2023

1. Ms. Deepika Pokharia, learned Counsel for the applicant/plaintiff seeks, by means of this application, correction of an inadvertent clerical error which has crept into sub-para (iv) of para 20 of the judgment dated 10th April 2023, whereby the present suit was decreed.

2. She submits that the first sentence in said sub-para (iv) in para 20 ought to read “the defendant has also undertaken not to continue to prosecute the Application No. 5301187 dated 27th January 2022, filed by it before the Registry of Trademarks”.

3. The record reveals that this is the correct position.

4. Mr. Shubham Jain, learned Counsel for the defendant, also acknowledges this position.

5. Accordingly, para 20(iv) of the judgment dated 10th April 2023 shall read thus:

“(iv) The defendant has also undertaken not to continue to prosecute the Application No. 5301187 dated 27th January 2022, filed by it before the Registry of Trademarks. It shall ensure that the said application is withdrawn, for which an application already stands filed with the Registry of Trademarks. The Registry is directed to prosecute the said application and pass orders thereon within a period of eight weeks from today.”

6. This order shall be treated as a corrigendum to the order/judgment dated 10th April 2023.

7. Mr. Shubham Jain, however, submits, with respect to the same para 20(iv), apropos the observation, therein, that an application for withdrawal of Application No. 5301187 dated 27th January 2022 already stands filed by the defendant before the Registry of Trade Marks, that the application for withdrawal had not been filed on that date, but came to be filed only on 17th April 2023, though the defendant had, on affidavit, undertaken to withdraw the Application No. 5301187 dated 27th January 2022.

8. This submission is noted.

9. The application stands allowed accordingly.

C. HARI SHANKAR, J.

APRIL 21, 2023

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