

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.11936 OF 2024
IN
COMMERCIAL FIRST APPEAL (ST) NO.23989 OF 2024**

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Burger King Corporation	.. Applicant/Appellant
Vs.	
Ms. Anahita Irani & Anr.	.. Respondents

...

Adv. Hiren Kamod with Adv. Raunaq Kamath, Adv. Alhan Kayser
i/by Adv. Avesh Kayser, Advocates for applicant/appellant.
Mr. Abhijit Sarwate with Mr. Rahul Pardeshi, Advocates for
respondent nos.1 and 2.

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**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 26th AUGUST, 2024.

P.C. :

1. The applicant is aggrieved by the judgment of the trial Court dismissing its suit that was filed against the non-applicants so as to restrain them from infringing its trademark and also from passing off its mark as that of the applicant. Alongwith the appeal, an application for interim relief has been moved.
2. The learned counsel for the non-applicant has tendered copy of the affidavit-in-reply to the interim application.
3. Before proceeding to consider the interim application, we may note that the trial Court on 05/03/2011 passed an ad-interim ex-parte order restraining the non-applicants from using

the trademark “Burger King”. This ad-interim order was thereafter confirmed on 20/01/2012 which operated till the time the suit was dismissed on 16/07/2024. The non-applicant had challenged the order dated 20/01/2012 by filing Appeal from Order No.562 of 2012. The said Appeal from Order was disposed of on 06/12/2012 by expediting the proceedings in the suit.

4. The interim application would require detailed hearing which is not possible today due to paucity of time. Hence list the interim application on 06/09/2024. Till that date and without prejudice to the rights and contentions of the non-applicants, the order dated 20/01/2012 passed below Exhibit 5 in RCS No.2 of 2011 shall continue to operate. It is clarified that the parties would be heard on all aspects and this direction is not an indication of any prima-facie view expressed by the Court.

5. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]