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IN THE HIGH COURT OF DELHI AT NEW DELHI
FAO (COMM) 97/2023, CM APPL. 19468/2023 CM APPL.
19469/2023 CM APPL. 9621/2024

M/S CENTURY WORLD

..... Appellant

Through: Mr. Amit Sibal, Sr. Advocate with
Mr. Vishal Patel, Mr. Saksham
Dhingra, Mr. Vinamra K., Mr.
Rishabh Sharma and Mr. Ankur Vyas,
Advocates

versus

MIDHA STEEL INDUSTRIES & ORS.

..... Respondents

Through: Ms. Swathi, Ms. Nishtha Khurana,
Ms. Kinjal Goyal, Mr. Sanjay Kumar
and Mr. Pratyush Rao, Advocates for
R-2

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

16.02.2024

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1. The appellant has filed the present appeal impugning an order dated 31.01.2022 (hereafter *the impugned order*), which is rendered in an application filed by the appellant in effect seeking an order interdicting the respondents from using the mark “PAR CENTUARY”.
2. The learned Commercial Court had, on unambiguous terms, denied the said prayer in respect of use of the mark “PAR CENTUARY” in Class 21. However, insofar as the use of the said mark in respect of other goods is concerned, the learned Commercial Court had observed that the matter is *subjudice* and would be finally decided after considering the merits.
3. The operative part of the said order dated 31.01.2022 reads as follows:



“8. It is clarified that there is no restraint upon defendants including defendant no.2 in interim injunction order dated 24.12.2021 in using the mark “PAR CENTUARY” in Class 21 goods as mentioned above.

9. So far as, use of “PAR CENTUARY” on other goods is concerned, matter is still subjudice and would be decided finally after considering the merits.”

4. The learned Senior Counsel appearing for the appellant seeks to withdraw the present appeal with the liberty to approach the learned Commercial Court for considering interim relief in respect of the mark “PAR CENTUARY” in respect of ‘other goods’.

5. The learned counsel appearing for respondent no.2 has no objection to the appellant seeking liberty to approach the learned Commercial Court. She, however, submits that it may be clarified that all rights and contentions of the parties are reserved.

6. In view of the above, the appeal is dismissed as withdrawn with the aforesaid liberty. All rights and contentions of the parties are reserved.

7. All pending applications are also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 16, 2024
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