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

+ **FAO (COMM) 127/2024 CM APPL. 37147/2024**

M/S BOORA COSMETICS

.....Appellant

Through: Mr. Gagan Gupta, Sr. Adv., Hari Om
Gupta and Mr. Arkaj Kumar, Adv.

versus

SHYAM LAL ARORA

.....Respondent

Through: Mr. Manish Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

24.07.2024

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1. The appellant has filed the present appeal, *inter alia*, impugning an order dated 22.05.2024 (hereafter *the impugned order*) passed by the learned Commercial Court in CS (COMM) No. 1906 of 2020 captioned as “*Shyam Lal Arora Vs. M/S Boora Cosmetics*”, whereby the respondent’s application under Order XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908, was disposed of.

2. In terms of the impugned order, the appellant is restrained from selling the products by using the trademark ‘SHEETAL’ and ‘SHEETAL COSMETICS’ or any other marks which are deceptively similar to the said marks.

3. Learned counsel for the parties state that they have arrived at a mutual understanding in terms of which the appellant may be permitted to use the



following label mark till the final disposal of the suit:



4. Learned counsel for the parties state that the present appeal be disposed of by directing that interim arrangement in terms of the above understanding between the parties, would subsist during the pendency of the suit [CS(COMM) No.1906 of 2020]. And this would be without prejudice to their rights and contentions.
5. In view of the consensus between the parties, this Court clarifies that the appellant is not interdicted from using the aforementioned label mark in respect of its goods (lipstick) till the disposal of the suit. It is clarified that this is without prejudice to the rights and contentions of the parties in the pending proceedings.
6. The present appeal is disposed of with the aforesaid directions.
7. This order is passed with the consent of the parties.
8. Pending application also stands disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 24, 2024

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