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

+ **C.O. (COMM.IPD-TM) 159/2021 & I.A. 46627 /2024**

RAJA BHANDARI

.....Petitioner

Through: Ms. Gladys Daniel with Mr. S.
Santanam, Mr. Kartik Malhotra and
Mr. D. Bansal, Advocates.
(M): 9810091154

versus

**NAMAN ARORA AND SANDEEP GARG
AND ANR.**

.....Respondents

Through: Mr. Kamal Kant Chhabra, Advocate.
(M): 9810102211

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
29.11.2024

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**I.A. 46627/2024 (Application under Order XXIII Rule 3 read with
Section 151 of CPC)**

1. The present application has been filed under Order XXIII Rule 3 read with Section 151 of Code of Civil Procedure, 1908 ("CPC") on behalf of respondent no.1.
2. The present petition has been filed seeking rectification of the respondent no.1's trademark JONCIAZ TOOLS (DEVICE), bearing Trademark Registration No. 2816975 in Class 7.
3. Learned counsel appearing for the parties submit that the petitioner and respondent no.1 have arrived at a mutual settlement and have agreed to



compromise the subject matter, the terms of which, are reproduced as under:

“xxx xxx xxx

a) The Respondent No. 1 agrees that the Petitioner is the Registered Proprietor of the Trademarks JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE and JON formative marks in word and various device registrations.

b) The Respondent No. 1 agrees that the Petitioner is the prior user of the Trademarks JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE and JON formative marks.

c) The Respondent No.1 has no objection for this Hon'ble Court to allow the cancellation of its registration for his Trademark JONCIAZ TOOLS (DEVICE), bearing Trademark Registration No. 2816975 in Class 7.

d) The Respondent No.1 agrees not to oppose the Trademark Applications filed by the Petitioner for registration of the Trademark JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE or any other similar JON Formative marks with or without the device.

e) The Respondent No. 1 confirms that he has not filed any Application for Registration of the Trade Mark JON CARTE/JON CARTE TOOLS with or without the unique square device. The Respondent No. 1 agrees not to file any such application(s) in future.

f) The Respondent No. 1 is permitted to use the Impugned Trademark JON CIAZ until 30.12.2024.

g) The terms Petitioner and the Respondent No.1 shall mean and include



their heirs, executors, administrators, successors and assigns of each party.

h) That the Petitioner and the Respondent No.1 shall have no claim or demand against each other except the above-mentioned agreed terms stated supra.

xxx xxx xxx”

4. In view of the aforesaid settlement between the parties, the respondent no.1's trademark JONCIAZ TOOLS (DEVICE), bearing trademark registration no. 2816975 in Class 7, is hereby cancelled.
5. Respondent no.2, i.e., the Trade Mark Registry is directed to carry out the necessary rectification.
6. The Registry of this Court is directed to supply a copy of the present order to the Office of the Controller General of Patents, Designs and Trade Marks of India, on E-mail Id: llc-ipo@gov.in, for compliance.
7. With the aforesaid directions, the present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

NOVEMBER 29, 2024/kr