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

+ **CM(M)-IPD 13/2024 & CM Nos. 79/2024, 80/2024 & 81/2024**

NEERAJ JAIN

.....Petitioner

Through: Mr. N. Mahabir with Ms. Noopur
Biswas and Mr. Udit Gupta,
Advocates.
(M): 9166036065
Email: contact@litmuslegal.com

versus

ASHSWANI KUMAR & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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28.08.2024

CM No. 79/2024 (Exemption from filing certified copies)

1. The present is an application filed under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking exemption from filing certified copy of orders.
2. Exemption is granted, subject to all just exceptions.
3. Petitioner shall file legible and clear copies of the documents, before the next date of hearing.
4. Accordingly, the present application is disposed of.

CM No. 81/2024 (Exemption from filing clear copies)

5. The present is an application filed under Section 151 CPC seeking exemption from filing clearer/typed or translated copies of documents.



6. Exemption is granted, subject to all just exceptions.
7. Petitioner shall file legible and clear copies of the documents, before the next date of hearing.
8. Accordingly, the present application is disposed of.

CM No. 80/2024 (Exemption from filing Trial Court Records)

9. The present is an application under Section 151 CPC seeking exemption from filing Trial Court Records.
10. Allowed, subject to just exceptions.
11. Application is disposed of.

CM(M)-IPD 13/2024

12. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 24th July, 2024 passed by the learned District Judge (South East), Saket Courts, New Delhi in suit bearing (TM) No. 66/2018.
13. The present petition has been filed, as the petitioner is aggrieved by the repeated adjournments taken by the respondent, thereby causing undue delay in the proceedings. Despite pendency of the application of the petitioner/plaintiff under Order XI Rule 12, 14, for production of documents, since 22nd March, 2023, the respondents/defendants have not filed their reply, despite several opportunities.
14. As per the case canvassed in the present petition, petitioner is manufacturer of various kinds of pet bowls since early 1990's. Petitioner made a unique pet bowl in 2008, which is unique in trade dress, shape, get up and a combination of steel and plastic, known as 'Bella Bowl'.
15. It is submitted that respondent no. 1 has dishonestly and fraudulently, in collusion with respondent no. 2, started selling identical bowl, thereby



infringing the copyright of the petitioner. The respondents/defendants are guilty of infringing the confidential information, data, breach of trust and passing off its products, which are sub-standard. Thus, the suit has been filed by the petitioner before the Trial Court, seeking injunction against the respondents/defendants, wherein, an ex-parte order of injunction has been passed in favour of the petitioner/plaintiff.

16. It is the case of the petitioner that recording of evidence of the petitioner's witness was concluded in May, 2023. The matter is now pending for the defendants' evidence.

17. Learned counsel appearing for the petitioner submits that the application for taking on record additional documents, was filed on behalf of the petitioner, immediately after framing of issues. The respondents/defendants have been taking time for filing reply to the said application. However, the said reply has still not come to be filed.

18. It is submitted that since the application of the petitioner herein for production of documents, is still pending, the suit is not proceeding any further.

19. This Court notes that despite advance service, none has appeared on behalf of the respondents.

20. At the outset, this Court notes that vide order dated 24th July, 2024, a further opportunity has been granted to the respondents herein to file their reply to the application of the petitioner, subject to cost of ₹2000/- . The matter has been put up for arguments on the application of the petitioner, on 25th October, 2024.

21. Accordingly, it is directed that in case, the respondents/defendants, do not file reply to the application of the petitioner, in terms of the order dated



24th July, 2024 passed by the learned District Judge-05, South East District, Saket Courts, New Delhi, the application of the petitioner/plaintiff shall be heard by the learned Trial Court, on the date already fixed, i.e., 25th October, 2024.

22. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

AUGUST 28, 2024

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