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

+ **FAO(OS) (COMM) 220/2024**

HAVELLS INDIA LIMITED & ANR.

.....Appellants

Through: Mr. Chander M. Lall, Sr Adv with
Mr. Amit Gautam, Mr. Partheshwar
Singh & Mr. Sanyam Suri, Advs.

versus

**HAVAI HOME PRODUCTS PVT. LTD
& ORS.**

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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27.09.2024

CM APPL. 57278/2024 (Exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

**FAO(OS) (COMM) 220/2024, CM APPL. 57274/2024 - (Interim Stay),
CM APPL. 57275/2024 –(Appoint a Local Commissioner) & CM APPL.
57277/2024 (Long & Lengthy Synopsis & List Of Dates)**

1. This appeal is directed against the order dated 10 September 2024 in terms of which the learned Single Judge has issued summons on the suit for injunction as well as notice on the various interlocutory applications which were made, including one for grant of *ex parte* injunction.

2. We, however, note that IA No. 38971/2024, and which pertained to



the appointment of a Local Commissioner, does not appear to have been pressed as would be apparent from a reading of paragraph 24 of the order impugned. Although the appellants seek to question the accuracy of that recital, we find ourselves unable to entertain that plea in the absence of any application having been made before the learned Single Judge calling upon the Court to speak to the minutes of its order. We accord liberty to the appellant to move an appropriate application for rectification of the minutes, if so chosen and advised. We, however, deem it apposite to observe that we have not examined the veracity or validity of the submission which was addressed on this score and consequently any application if made in this regard may be evaluated by the learned Judge on its own merits.

3. That then takes us to IA 38970/2024 and which had sought the grant of an *ex parte* injunction. From a reading of the order impugned it appears that the learned Single Judge has, and at this stage, issued notice to the defendants/respondents in the suit. The Court has thus desisted from granting any *ex parte* interim relief at this stage.

4. Mr. Lall, learned senior counsel, however draws our attention to some of the advertisements appearing on the web portal of the defendants and which appear to evidence the use of 'HAVELLS', a mark in respect of which protection was sought. However, and since this prayer does not appear to have been specifically addressed before the learned Single Judge, we dispose of the appeal while according liberty to the appellants to move an appropriate application for seeking *ex parte* injunction.

5. Any such application that may be moved, may be examined and



considered independently in accordance with law. All rights and contentions of respective parties are kept open.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

SEPTEMBER 27, 2024/SK