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

+ LPA 1157/2024, CM APPL. 68976/2024 (Ex. List ff dates & Synopsis), CM APPL. 68977/2024 (29 Days Delay) & CM APPL. 68978/2024 (76 Days Delay in Refiling)

CASABLANCA APPARELS PVT. LTD.Appellant

Through: Mr. Manu P.R & Ms. Shalini
Sukumaran, Advs.

versus

POLO LAUREN COMPANY LP & ANR.Respondents

Through: Mr. Anirudh Bakhru, Mr.
Siddharth Swain, Mr. Rishi
Bansal, Advs.
Mr. Nidhi Raman, CGSC, Mr.
Zubin Singh, Adv for R-2.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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26.11.2024

1. The learned Single Judge in terms of the order impugned before us has proceeded to dismiss the rectification petition holding it to be non-maintainable as an application under Section 124 of the Trade Marks Act, 1999 was pending before the Trial Court.

2. We note that while taking that view the learned Single Judge has essentially borne in consideration the enunciation of the law as it appears in a decision rendered by a Division Bench of Court in **Mr. Amrish Aggarwal Trading as M/s Mahalaxmi Product v. M/s Venus Home Appliances Pvt. Ltd. & Anr.** [2024 SCC OnLine Del 3652]. This becomes apparent from a reading of paragraphs 6 and 7 of the order impugned. The decision aforementioned clearly binds and



conclusively settles the issue of maintainability.

3. Bearing in mind the aforesaid, we find no error in the judgment rendered. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 26, 2024/DR