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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 244/2024 & CM APPL. 74592-96/2024**
LAXMI CHAND AHUJAAppellant

Through: Mr.Amit Agrawal, Mr.Rahul
Kukreja, Mr.Himanshu Jha,
Ms.Sana Jain, Mr.Abhishek
Deo Aggarwal & Mr.Arjun
Chhibbar, Advs.

versus

SUNIL NIRANJAN SHAHRespondent
Through: Mr.Neeraj Malhotra, Sr. Adv.
with Mr.Anil Kumar Sahu,
Mr.Syed & Mr.Nimesh Kumar,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
19.12.2024

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1. This appeal has been filed by the appellant, challenging the Order dated 20.11.2024 passed by the learned District Judge, Commercial Courts-02, North West District, Rohini Courts, in CS (Comm) 525/2024, titled *Sunil Niranjana Shah Trading as M/s Shabroc India v. Laxmi Chand Ahuja Trading as M/s S.B. Chemicals*, restraining the appellant herein from using the mark 'Santari Ji Ka Bail Chhap'/'Bail Chhap' or any other deceptively similar mark, and in the trade dress of the respondent herein, who is selling its products under the mark 'Cow Brand/Gaay Chaap/Gaay Chhap (Cow Brand)'.
2. The learned counsel for the appellant confines the prayer in the



present appeal to a direction that the goods confiscated by the learned Local Commissioner, pursuant to the Impugned Order, be released to the appellant, however, after destroying the packaging and other material bearing the impugned mark.

3. The learned senior counsel for the respondent, who appears on the advance notice, submits that the appellant can make the said plea before the learned Trial Court.

4. We agree with the submission made by the learned counsel senior counsel for the respondent. The prayer for the appellant can best be considered by the learned Trial Court. Therefore, while dismissing this appeal, we leave it open to the appellant to make this prayer before the learned Trial Court, which shall be considered by the learned Trial Court in accordance with the law.

5. We make it clear that we have not expressed any opinion on the prayer made by the appellant before us.

6. The learned Trial Court shall consider the applications filed by the respondent under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908, in accordance with the law, remaining uninfluenced by the rejection of the present appeal.

7. With the above observations, the appeal and the pending applications are disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 19, 2024/rv/DG

Click here to check corrigendum, if any