



2024:DHC:10037-DB



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

Date of decision: 23.12.2024

+ **FAO (COMM) 250/2024**

SHEMFORD HALDWANI AND ANRAppellants

Through: Ms. Swathi Sukumar, Sr. Adv.
with Ms. Mrinal Kanwar, Mr.
Vaibhav, Mr. Ritik
Raghuwanshi and Mr. Rishubh
Agarwal, Advs.

versus

SHEMFORD SCHOOLS PRIVATE LIMITED

.....Respondent

Through: Mr. Abhiraj Jayant, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 75456/2024, CM APPL. 75457/2024 (exemptions)

1. Allowed, subject to all just exceptions.

FAO (COMM) 250/2024, CM APPL. 75455/2024

2. This appeal has been filed by the appellants, challenging the Order dated 11.11.2024 passed by the learned District Judge, Commercial Court, North District, Rohini Courts, New Delhi ('Trial Court') in CS (Comm) no. 136/2024, allowing the application filed by the respondent herein under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 and restraining the appellants herein from using the name/tradename/trademark/wordmark



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‘Shemford’ or any other mark deceptively similar thereto for running a school or any other purpose connected to the school.

3. The learned Trial Court has further directed the appellants not to use the said name for further correspondence with immediate effect, however, granted four weeks time to the appellants to change the name of their school.

4. The learned Senior Counsel appearing for the appellants confines her prayer only to the grant of further time to the appellants to change the name of the school. She submits that various formalities are needed to be completed before the name of a school can be changed. She submits that the immediate implementation of the Impugned Order, without the requisite permissions from the State Government and the CBSE, would cause damage and inconvenience not only to the appellants but also to the children who are currently studying in the said school.

5. On the other hand, the learned counsel for the respondent who appears on advance notice submits that the appellants must change the name of the school and not use the same for any other purpose. He, however, does not dispute that certain formalities would need to be completed by the appellants before the name of the school can be changed. He fairly states that the appellants may be granted time till 01.04.2025 to change the name of the school. He further submits that the above concession is being given by the respondent only keeping in mind the interest of the students and should not create any right, title, interest or equity in favour of the appellants.

6. The learned Senior Counsel for the appellants, on instructions,



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undertakes on behalf of the appellants that the appellants shall immediately apply for changing the name of the school so as to remove the infringing mark, that is, 'Shemford' from its name of the school. The appellants further undertake not to use the name 'Shemford' for its school or other purposes with effect from 01.04.2025, however, this being without prejudice to the rights and contentions of the appellants in the pending suit.

7. She submits that as the permission for change of name of the school is to be obtained from the State Government and thereafter from the CBSE, in case, there is any difficulty in the same, the appellants be granted a liberty to move an application before the Trial Court seeking extension of time to comply with its undertaking.

8. Keeping in view the above submissions and by consent of the learned counsels for the parties, the present appeal is disposed of with the following directions:-

- a) As undertaken by the appellants, the appellants shall immediately and as soon as possible, apply to the relevant authorities for changing the name of its school so as to remove the mark 'Shemford' or any other mark similar thereto from its name;
- b) The appellants shall cease to use the mark 'Shemford' or other mark similar thereto for running its school or for other purposes connected to the school, with effect from 01.04.2025;
- c) The appellants shall not make any new admissions to the school in the name of 'Shemford'. However, pending the



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outcome of its application for change of name, and till such time that the change of name is approved or only till 01.04.2025, whichever is later, the appellant while making any new admissions shall clearly specify that the name 'Shemford' has been directed to be dropped from the name of the school of the appellants from 01.04.2025 onwards;

d) The above arrangements shall be without prejudice to the rights and contentions of the parties in the pending suit.

9. This appeal, along with pending application, is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 23, 2024/sds/B/VS

Click here to check corrigendum, if any