



2025:DHC:172-DB



\$~62

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

Date of decision: 13.01.2025

+ **FAO (COMM) 6/2025**

HEMANT KUMAR GOYAL @ HARISH GOYAL

.....Appellant

Through: Mr. Nivesh Sharma, Ms. Ritu Singh & Mr. Aman Kashyap,
Advs. with appellant in person.

versus

YASHWANT JAIN & ANR.

.....Respondents

Through: Mr. Neeraj Grover, Mr. Mohit Sharma & Mr. Ankur Tiwari,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL.1582/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

FAO(COMM) 6/2025 & CM APPL.1581/2025

3. The present appeal has been filed under Section 13 of the Commercial Courts Act, 2015 read with Order XLIII Rule 1 (r) of the Code of Civil Procedure, 1908 (in short, "CPC"), seeking setting aside of Order dated 25.11.2024 passed by District Judge (Commercial Courts-01), North-West, Rohini District Courts, Delhi, whereby the appellant was restrained from manufacturing, selling, using, displaying, advertising, importing, exporting and dealing in the



2025:DHC:172-DB



trademarks “GOYAL CHUSKI CHAI”, “H.S.G. YASHIKA GOYAL CHUSKI CHAI” and “CHURKI”.

4. The learned counsel for the appellant confines his prayer to a request to the learned Trial Court to expedite the hearing of an application, which the appellant proposes to file under Order XXXIX Rule 4 of the CPC.

5. The learned counsel for the respondents, who appears on advance notice, does not oppose the prayer made. He submits that he shall fully cooperate with the learned Trial Court to expedite the hearing of the application, if and when filed by the appellant.

6. We therefore, dispose of this appeal by directing that in case the appellant gives at least three days’ advance notice of the application proposed to be filed, to the respondents, the respondents shall appear on the first day of the listing of said application before the learned Trial Court, and file a response thereto, within a week thereafter.

7. The learned Trial Court is requested to expedite the hearing of such application, if filed, and decide the same preferably within a month of such filing.

8. In view of above, the appeal, along with the pending applications, is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 13, 2025/ab/sk/IK

Click here to check corrigendum, if any