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

+ **CM(M)-IPD 33/2025 & CM 186-189/2025**

BINOD KUMAR, PROPRIETOR M/S B.K. FOOD PRODUCTS

.....Petitioner

Through: Mr. Tashriq Ahmad and Mr. Mohd. Abeer, Advocates.

versus

**RAJU KUMAR, PROPRIETOR M/S AMRAPALI MASALA
UDYOG**

.....Respondent

Through: Mr. Satish Kumar, Mr. Anil Kumar Sahu and Mr. Roshan Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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23.07.2025

1. This writ petition is filed on behalf of the Petitioner under Article 227 of the Constitution of India for setting aside *ex parte ad interim* injunction order dated 24.01.2024 passed by learned District Judge, (Commercial)-02, North-West/Rohini Courts, Delhi in CS(COMM.) No. 38/2024.

2. Learned counsel for the Petitioner submits that vide order dated 24.01.2024, learned District Judge enjoined the Petitioner from using the

mark 'QUEEN AAMRAPALI'/  or any other mark/trade

dress/packaging similar to the mark **"AMRAPALI"**



in relation to impugned goods without giving an opportunity of hearing to



the Petitioner. Petitioner is a registered proprietor of trade mark 'QUEEN



AAMRAPALI' and holds registration since 23.11.2021 in the mark 'QUEEN AAMRAPALI' and in the device mark from 16.05.2022. It is further submitted that this Court vide order dated 24.03.2025 in CM(M)-IPD 6/2025 had directed the learned Trial Court to decide the applications filed by the Petitioner under Order XXXIX Rule 4 CPC as also application under Order XXXIX Rules 1 and 2 CPC filed by the Respondent herein, as expeditiously as possible and preferably on or before 31.05.2025, however, till date, the applications are undecided and the injunction order is causing grave prejudice to the Petitioner.

3. Issue notice.

4. Mr. Satish Kumar, learned counsel accepts notice on behalf of the Respondent and submits that it is not as if the learned Trial Court is not hearing the applications. In fact, taking note of the order of this Court, applications have been partly heard on 29.05.2025 and further hearing is scheduled for 30.07.2025.

5. Order sheets of the Trial Court placed on record by the Petitioner indicate that application filed by the Petitioner under Order XXXIX Rule 4 CPC for vacation of interim injunction order and the application filed by Respondent herein under Order XXXIX Rules 1 and 2 CPC were heard on 29.05.2025 and further hearing is now scheduled for 30.07.2025. Learned Trial Court has noticed in the order dated 29.05.2025 that many cases have been reserved for orders and in light of this, separate request for extension of time has been sent to this Court in the present matter.



6. Be that as it may, without entering into the merits of the case, this petition is disposed of, requesting the learned District Judge to make every endeavour to decide the applications within six weeks from 30.07.2025, the next date before the Court, considering that *ex parte* injunction order is operating against the Petitioner from 24.01.2024.

7. Pending applications stand disposed of.

JYOTI SINGH, J

JULY 23, 2025

S.Sharma