

TM No. 13643/16

M/s. Calvin Klein Trademark Trust Vs. M/s. Rubicon Exim Pvt. Ltd. & Ors.

30.01.2017

Present: Shri S K Bansal, Shri Kamal Naresh and Shri Kapil Kumar Giri,
Ld. Counsel for the plaintiff.

Shri Anurag Abhishek, Ld. Counsel for all the defendants.

Case is at the evidence state. However, three separate applications are moved on behalf of three defendants seeking to recall of order of this Court dated 10.03.2016 whereby their defence was struck off.

Submissions heard. File perused.

Defendants were served on 20.01.2016. However, they did not file any written statement on 28.01.2016 they were given two additional weeks' time but still no written statement was filed. Consequently, on 10.03.2016 the defence of the defendants was struck off on expiry of 30 days period. Since thereafter points of consideration were casted and the matter was fixed for evidence.

It is in this backdrop the applications purportedly drafted on 13.03.2016 and supported affidavit got attested on 17.03.2016 were filed on record on 18.03.2016. The two reasons cited in this application purportedly to explain delay of initial two weeks is that defendant was pre occupied in his business activities and could not collect the documents and the second reason is that his counsel got injured his ankle and could not do the needful.

Contd..2/-

There is another delay of around eight months or 240 days qua which neither any application has been put forth nor any prayer made. In the application dated 13.03.2016 with supporting affidavit attested on 17.03.2016 narrates incidents of 06.04.2016 which shows that there is something seriously wrong in the manner these applications are made. The three applications are dismissed subject to payment of cost of Rs.2,500/- each application to be deposited with Library Fund, NDBA.

To come up for PE on **15.03.2017**.

(Surinder S. Rathi)
ADJ-03/PHC/NEW DELHI
30.01.2017