

TM no.149/17

R K Steel VS Shyama Devi Bohra & Ors.

16.01.2018

Present: Ld. Counsel Sh. Kamal Naresh for plaintiff.
Ld. Counsel Sh. Lalit Kumar for defendant along with
AR.

Arguments heard on the application u/O 7 rule 11 CPC.
Reply not file to u/O 7 rule 11 CPC application and submitted that the submissions made in his WS may be treated as reply to u/O 7 rule 11 CPC application as well.

I have heard both the sides and gone through the record.

Plaintiff is already registered user of the Trademark 'ROYAL' on 30.02.2010 thereby claiming users since 1995, moreover as per the pleadings, para 32 of the plaint there are specific allegations that the products of the defendants are sold in Delhi also.

At this stage, it cannot be said that the present Court does not have jurisdiction as it is a mixed question in law and fact. Hence, u/O 7 rule 11 CPC at this stage is dismissed. Ld counsel for defendant seeks some time for arguments on u/O 39 rule 1 and 2 CPC.

At this stage, matter is referred to Mediation for settlement at the Mediation Center at Patiala House Courts. Parties shall appear before the Mediation Center on **08.02.2018 at 12.00 noon.**

To come up for report on **09.04.2018.**

(Twinkle Wadhwa)
ADJ-03/PHC/NEW DELHI.
16.01.2018