

CS No. 476609/15
Balar Mkt. Pvtltd Vs. Lokesh Tyal & Ors.

31.01.2025

Present : Sh. Somnath, Ld. Counsel for plaintiff.
Sh. Amreek Singh, Ld. Counsel for defendants through
VC.

It is submitted by Ld. Counsel for plaintiff that he doesn't want to file affidavit of admission-denial as there is no need of admission-denial in the present case owing to the non filing of the documents by the defendant. Further, Ld. Counsel for defendant also submits that issues may be framed in the present case. Though, it is also submitted by Ld. Counsel for defendant that separate talks of settlement are going on. As it is an old matter and admission-denial not pressed for the following issues are hereby framed:-

(i) Whether the plaintiff is entitled to decree of permanent injunction in favour of plaintiff and against the defendants, as prayed for, in prayer clause (a)? OPP

(ii) Whether the defendants are guilty of infringement of the registered trademark and copy right of plaintiff? OPP

(iii) Whether the defendants are guilty of passing off?
OPP

(iv) Whether the plaintiff is entitled to decree of reneition of accounts in favour of plaintiff and against the defendants, as prayed for, in prayer clause (d)? OPP

(v) Whether the plaintiff has no locus standi to file present case? OPD

Contd/-...

(vi) Whether the suit of the plaintiff is without jurisdiction? OPD

(vii) Whether there is no similarity in the trademark of plaintiff and the defendants? OPD

(viii) Whether the plaintiff is entitled to cost? OPP

(ix) Relief.

No other issue arises or is pressed for.

Put up for PE on 23.05.2025. Both the parties are directed to file their list of witnesses alongwith evidence by way of affidavits within 15 days from today with advance copy to each other side.

(Manu Vedwan)
District Judge-02/North-East,
KKD Courts, Delhi/31.01.2025