

CS No. : 200/20

14.02.2022

(Matter is taken up through physical hearing).

Present : Ms. Meghna Tyagi Ld. Proxy Counsel for
plaintiff.
None for defendants.

Perusal of record reveals that publication w.r.t. D2 has been placed on record. It is observed that D2 has been served by the aforesaid mode in the newspaper "The Statesman" dt. 28.02.2020.

However none is present on behalf of D2. Be awaited.

(Vineet Kumar)
Additional District Judge-01
SHD/KKD/Delhi/14.02.2022

(02.15 pm)

Present : As above.

None has appeared on behalf of the D2 since morning despite repeated calls. It seems that D2 not interested in defending / pursuing this suit against him. Accordingly, D2 is proceeded ex-parte.

Otherwise, perusal of record reveals that pleadings are complete. Admission/denial not conducted despite opportunity. Upon instructions from the main counsel, Ld. Proxy counsel for plaintiff has submitted that she does not wish to address any arguments on application u/o 39 R 1 and 2 CPC and has submitted that this matter be proceeded further. Heard. In view of the above submission and also in view of the fact that pleadings are complete, following issues are framed:-

1. Whether the suit is barred u/s 9 CPC? OPD1.
2. Whether the suit is liable to be rejected u/o 7 R 11 CPC? OPD1.
3. Whether the plaintiff is entitled to the decree of mandatory injunction as prayed for? OPP
4. Whether the plaintiff is entitled to the decree of permanent injunction as prayed for? OPP
5. Whether the plaintiff is entitled to decree for delivery up of all infringing goods, packaging materials as prayed for? OPP
6. Whether the plaintiff is entitled for order for delivery of all impugned finished and unfinished materials for the purposes of destruction and erasure as prayed for? OPP
7. Whether the plaintiff is entitled to grant of order for punitive damages as prayed for? OPP
8. Whether the plaintiff is entitled to decree for the amount on rendition of accounts of profits earned by defendants by impugned illegal trade activities as prayed for? OPP
9. Relief.

No other issue arises or is pressed for.

List of witnesses be filed by both the parties within 15 days. Advance copy of evidence affidavits be supplied to the defendant(s) atleast 15 days prior to NDOH.

Put up for PE on 04.08.2022.

(Vineet Kumar)
Additional District Judge-01
SHD/KKD/Delhi/14.02.2022