

TM No.968/2016
Lakha Ram Sharma vs. M/s Ballar Marketing

28.09.2022

Case has been received by way of transfer as per order no.1506/63579-609/F.3(4)/DJ(CC)/Gaz/2022, dated 27.08.2022 of Ld. Principal District & Sessions Judge (HQs). Be checked.

Present : Mr.Aditya Mathur – proxy counsel for the Plaintiff.
Mr.Himanshu Chaudhary – proxy counsel for the Defendant/Counter Claimant.

This is a suit under Section 105 & 106 of the Trade & Merchandise Marks Act, 1958 for the relief of permanent injunction, rendition of Accounts etc. against the Defendant.

In view of the ruling of the Division Bench of Hon'ble Delhi High Court in case titled as *Satya Narayan Khandelwal vs. Prem Arora, 2022 SCC Online Del 2142, decided on 18.07.2022* in para No.27, whereby it has been specifically held that the cases of Commercial Disputes filed on or after 03.05.2018 will be transferred to the Commercial Courts only as Amendment Act is having no retrospective effect, the instant case cannot be tried by this designated Commercial Court.

In view of the aforesaid, let the file be placed before the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi with a request to send this case back to the court of the concerned Additional District Judge from where it was received.

Parties are directed to appear before the court of Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi on **10.10.2022**. Ahlmad to send the file immediately to the court of Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi accordingly.

(Kaveri Baweja)
District Judge (Commercial Court) -07
Central District, THC Court/28.09.2022