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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 568/2016, IA No.9152/2019(u/O.I R.10 CPC)**  
**SUNAIR HOTELS LTD. .... Plaintiff**

Through: Mr. Hemant Gupta &  
Mr. Gyan Prakash Bansal, Advs.

Versus

**METROPOLITAN HOTEL & ORS .... Defendants**

Through: Mr. Vikas Aggarwal &  
Mr. Parveen Singhal, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**04.02.2020**

1. This order is in continuation of the yesterday's order.
2. Mr. Manoj Singhal, Mr. Sanjeev Singhal & Mr. Vivek Jain as directed, are present.
3. Though the counsel for the defendants, contrary to what was recorded yesterday, sought to say that Vivek Jain had no association with V.Vils Hotels Pvt. Ltd. prior to taking the property on rent but Mr. Vivek Jain present in person, on enquiry whether he had taken METROPOLITAN HOTEL, 13/A/24, Channa Market, Karol Bagh, New Delhi as a running unit, has replied in the affirmative and on further enquiry how he came to take over the said hotel, states that prior to taking it over also, he was running it in capacity as employee of V.Vils Hotels Pvt. Ltd.
4. I have enquired from Manoj Singhal and Sanjeev Singhal present in Court, whether they have any objection to Vivek Jain using the same name for his proprietary business i.e. V.Vils Hotels, as of their company V.Vils Hotels Pvt. Ltd.

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5. They state that they have no objection.
6. M/s. V.Vils Hotels through their proprietor Mr. Vivek Jain is impleaded as defendant no.3 to the suit.
7. The counsel for the plaintiff to file amended memo of parties within one week.
8. It is not deemed appropriate at this stage to delete the defendants no. 1 and 2 from the array of defendants since it is the defendants no. 1 and 2 who had commenced using the impugned mark and have been using it for the last ten years at least and would be liable for damages if any found for the said period.
9. The same counsel who till now was appearing for the defendants no. 1 and 2 states that he also appears for the newly impleaded defendant no.3 but states that he will not adopt the written statement of defendants no.1 and 2 and the newly impleaded defendant no.3 will file his own written statement.
10. The same be filed within 30 days.
11. Replication thereto be filed within 30 days thereafter.
12. Though the attempt to hear the counsel for the plaintiff has been made but the counsel for the plaintiff is not able to point out the registration in favour of the plaintiff.
13. Though issues are informed to have been framed in the suit on 16<sup>th</sup> August, 2010 but in view of the developments aforesaid, it is deemed appropriate to consider the issues, if any, afresh.
14. List on 21<sup>st</sup> July, 2020 for framing of issues, if any.

**RAJIV SAHAI ENDLAW, J**

**FEBRUARY 04, 2020/‘ak’..**  
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