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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 56/2022 and I.A. 7839/2022 (Section 124 of the Trademarks Act)

MS LIGHTBOOK & ANR. Plaintiffs
Through: Mr. Avnish Ahlawat, Mrs.
Palak Rohmetra and Ms. Aliza Alam, Advs.

versus

MR PRAVIN SHRIRAM KADAM & ORS..... Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **ORDER**
19.05.2023

I.A. 9773/2023 (modification of order dt. 24.04.23)

1. This is an application, which seeks a minor modification in the judgment dated 24th April 2023, whereby this Court had disposed of IA 1203/2022.

2. The only modification that is sought is in para 26 of the said judgment, which reads thus:

“26. No such issue arises in the present case. Para 4 of the reply dated 14th January 2020 of the plaintiffs, as submitted before the Registrar of Trade Marks, contains the plaintiffs' conscious admissions of fact, as pleaded before the Registrar. As Mr. Kirpekar correctly pointed out, the reply dated 14th January 2020 was filed on oath, and was affirmed by verification by the partner of the plaintiffs. It cannot lie in the mouth of the plaintiffs, therefore, to contend, before this Court, that the marks of the plaintiffs and defendants are deceptively similar.”

3. The application avers that the reply dated 14th January 2020, submitted before the Registrar of Trademarks, though affirmed by



verification by the partner of the plaintiffs, was not on oath.

4. Accordingly, para 26 of the judgment dated 24th April 2023, shall stand modified to read thus:

“26. No such, issue arises in the present case. Para 4 of the reply dated 14th January 2020 of the plaintiffs, as submitted before the Registrar of Trade Marks, contains the plaintiffs' conscious admissions of fact, as pleaded before the Registrar. As Mr. Kirpekar correctly pointed out, the reply dated 14th January 2020 was affirmed by verification by the partner of the plaintiffs. It cannot lie in the mouth of the plaintiffs, therefore, to contend, before this Court, that the marks of the plaintiffs and defendants are deceptively similar.”

5. This order shall read as a corrigendum to the judgment dated 24th April 2023.

6. The application stands allowed accordingly.

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7. List before the learned Joint Registrar (Judicial) for completion of the pleadings, admission and denial of documents and marking of exhibits on 12th July 2023, whereafter the matter would be placed before the Court for case management hearing and further proceedings.

C.HARI SHANKAR, J

MAY 19, 2023

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