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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 30/2024, I.A. 662/2024, I.A. 663/2024, I.A. 664/2024 &**
I.A. 665/2024
MS S K EDUCATIONS PVT LTD Plaintiff

Through: Ms. Aarzoo Anija, Mr. Udian
Sharma, Mr. Prateek Tanmay and Ms.
Vanshita Gupta, Advs.

versus

RAJENDRA PATEL & ANR. Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

11.01.2024

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I.A. 663/2024 (Seeking permission to file additional documents)

1. The present application has been filed on behalf of the plaintiff under Order 11 Rule 1(4) of the Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015 seeking to place on record additional documents.
2. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the DHC (Original Side) Rules, 2018.
3. Accordingly, the present application is disposed of.

I.A. 664/2024 (Seeking permission to file clear copies)

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance within four



weeks from today or before the next date of hearing, whichever is earlier.

3. Accordingly, the application is disposed of.

I.A. 665/2024 (exemption from instituting pre-litigation mediation)

1. Having regard to the facts of the present case and in light of the judgement of Division Bench of this Court in **Chandra Kishore Chaurasia v. R.A. Perfumery Works Private Ltd.**, FAO (COMM) 128/2021, exemption from attempting pre institution mediation is allowed.

2. Accordingly, the application stands disposed of.

CS(COMM) 30/2024

1. Let the plaint be registered as a suit.

2. Upon filing of process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statement(s) be filed by the defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record. Liberty is given to the plaintiff to file a replication within 30 days of the receipt of the written statement(s). Along with the replication, if any, filed by the plaintiff, affidavit(s) of admission/denial of documents filed by the defendants, be filed by the plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

3. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.



I.A. 662/2024 (under Order XXXIX Rule 1 and 2 CPC)

1. This application has been filed by the plaintiff seeking *ex parte ad-interim* injunction against the defendants for use of their registered trademark “BACHPAN” which has been in use since 2004 in the area of educational services, particularly, for play schools. The plaintiff claims to have established a chain of play schools, approximately more than 1000, in almost all the states of India by providing franchisees to intending parties.
2. Accordingly, a franchise agreement was entered into on 11th August, 2016 with the defendant who was located in Jabalpur, Madhya Pradesh. The said franchise agreement expired due to efflux of time on 05th April, 2021. Later, the plaintiff discovered that the defendant continuous to run the play school in the name of “BACHPAN” and signboards leading up to the school are using the name “MY BACHPAN” as also using the device mark registered in the name of the plaintiff.
3. Accordingly, issue notice to the defendants through all permissible modes.
4. List on 27th February, 2024.
5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 11, 2024/MK