



\$~10

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 30/2024, I.A. 662/2024 & I.A. 7715/2024**

MS S K EDUCATIONS PVT LTD

..... Plaintiff

Through: Ms. Aarzoo Aneja and Mr. Udian
Sharma and Ms. Vanshita Gupta,
Advocates.

versus

RAJENDRA PATEL & ANR.

..... Defendants

Through: Mr. Vikas Upadhyay, Mr. Arjun Singh
Tomar and Ms. Ankita Kasyap,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

05.04.2024

%

1. Counsel for defendant appears and states that they are willing to amicably resolve the issue with plaintiffs.
2. The issue revolves around the defendants using the name 'MY BACHPAN' with the toddler wing of their public school which is otherwise termed as 'USA Public School' (*which is an acronym for Umbrella Skills Academic Public School*).
3. It is an admitted position that the defendant had a franchisee agreement from the plaintiff for using the mark 'BACHPAN' as well as other training materials by franchisee agreement dated 04th April, 2016 which expired on 05th April, 2021.
4. According to the plaintiff, they use of 'BACHPAN' as part of the play



schools mark is in infringement of their registered word mark "BACHPAN"



and device mark .

5. Counsel for defendants state that their toddler wings gets only about 30 students in the play school and they would be open to considering resolution of the matter.
6. Accordingly, parties are to appear before the Mediator on 09th April, 2024 at 04:00 P.M. assisted by respective counsel, in person or through VC.
7. Copy of the order be also sent to Organising Secretary of Delhi High Court Mediation and Conciliation Centre for compliance.
8. In the event that the parties are able to arrive at an amicable settlement before the date fixed, they are at liberty to approach this Court by way of an appropriate application in this behalf along with the settlement agreement.
9. List before the Court on 02nd May, 2024.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 5, 2024/RK/ig