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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 100/2021 & I.A. 6659/2025**

RAAJ UNOCAL LUBRICANTS LIMITEDPlaintiff

Through: Mr. Kapil Wadhwa, Ms. Apoorva Maheswari and Mr. Anish Jandial, Advocates
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versus

APPLE ENERGY PVT LTD & ANR.Defendants

Through: Mr. Raj Shekhar Rao, Sr. Advocate with Ms. Diva Arora Menon, Mr. Rohan Krishna Seth, and Ms. Vani Sarin, Advocates for D-2.
Mob: 9911167179
Email: litigation@fiduslawchambers.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
12.03.2025

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I.A. 6659/2025 (Application seeking amendment of the order dated 25th February, 2025)

1. The present application has been filed on behalf of defendant no. 2 under Section 152, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking amendment of the order dated 25th February, 2025.
2. Learned Senior Counsel appearing for defendant no. 2 submits that issues have been framed by this Court *vide* order dated 25th February, 2025.
3. However, inadvertently an issue has been omitted to be framed, which



is very material, in the present case.

4. Learned Senior Counsel appearing for defendant no. 2 draws the attention of this Court to the order dated 16th July, 2021, passed by Division Bench in *FAO(OS) 86/2021*, to submit that the omitted issue is critical, as it directly addresses the core of the dispute of the parties.

5. Issue notice.

6. Notice is accepted by learned counsel appearing for the plaintiff, who vehemently opposes the contents of the present application.

7. Considering the submissions made before this Court and without going into the merits of the submissions made by learned Senior Counsel appearing for defendant no. 2, it is directed that issue, shall be framed, as under:

*“Whether the invoices as filed by the Plaintiff are per se fabricated?
OPD.”*

8. With the aforesaid directions, the present application is disposed of.

CS(COMM) 100/2021

9. In view of the order passed today, the issues framed *vide* order dated 25th February, 2025, shall be now read, as under:

- I. Whether the plaintiff is the proprietor and/or has any rights in the trademarks ‘UNOCAL’, ‘UNOCAL 76’ and ‘76’? OPP
- II. Whether the plaintiff has been using the trademarks ‘UNOCAL’, ‘UNOCAL 76’ and ‘76’ continuously since 1991? OPP
- III. Whether the Defendants’ use of the trademark ‘76’ constitutes passing off/unfair competition? OPP
- IV. Whether the plaintiff is entitled to any relief against the defendants on account of passing off/unfair competition? OPP



V. Whether the defendant's registration bearing TM No. 551399 of



the trademark “ ” in Class 4, is invalid? OPP

VI. Whether the plaintiff's use (if any) of the trademarks '76' from 15th October 1990 to 14th October 1997 inures to the benefit of defendant no. 2 by virtue of the License Agreement dated 25th September 1990? OPD

VII. Whether the invoices as filed by the plaintiff are *per se* fabricated?
OPD.

VIII. Reliefs

10. List on the date already fixed, i.e., 27th May, 2025.

MINI PUSHKARNA, J

MARCH 12, 2025

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