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

+ **CS(COMM) 394/2022**

VILLAIN LIFESTYLE PRIVATE LIMITED Plaintiff

Through: Mr. Aditya Gupta and Mr. Siddharth
Varshwey, Advocates.

versus

MR. VIPUL DHANKHER Defendant

Through: Mr. Manish Kumar and Mr. Siddharth
S. Dev, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **01.06.2022**

I.A. 9128/2022 (Exemption)

1. Subject to the Plaintiff filing originals, clearer copies and documents with proper margins, which it may seek to place reliance on, within four weeks from today, exemption is granted.
2. Application is allowed and disposed of.

I.A. 9129/2022(seeking leave to file additional documents)

3. Present application has been preferred on behalf of the Plaintiff seeking leave to file additional documents under Order 11 Rule 1(4) CPC.
4. 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.
5. Application is allowed and disposed of.

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6. Let plaint be registered as a suit.
7. Issue summons.
8. Mr. Manish Kumar, learned counsel enters appearance on behalf of the Defendant.
9. Written statement be filed by the Defendant within 30 days from today along with affidavit of admission/denial of the documents of the Plaintiff.
10. Replication thereto be filed by the Plaintiff within 15 days of the receipt of the written statement along with an affidavit of admission/denial of the documents filed by the Defendant.
11. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
12. List before the learned Joint Registrar on 08.08.2022.

I.A. 9127/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiff)

13. Present application has been preferred by the Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure 1908 for grant of *ex-parte ad-interim* injunction.
14. Issue notice to the Defendants.
15. Mr. Manish Kumar, learned counsel accepts notice on behalf of the Defendant.
16. Learned counsel appearing on behalf of the Plaintiff seeks *ad interim* injunction against the Defendant and states that Defendant has not launched its products under the impugned mark in the relevant categories in Classes 3, 5, 25 and 35, and thus balance of convenience lies in favour of the Plaintiff, in addition to a *prima facie* case.



17. Learned counsel appearing on behalf of the Defendant, on instructions, does not refute the position and undertakes that the Defendant shall not launch the impugned products till the next date of hearing.
18. The undertaking is taken on record and shall bind the Defendant.
19. Learned counsel for the Defendant seeks a period of three weeks to file reply.
20. Let reply be filed within a period of three working weeks from today. Rejoinder, if any, be filed within one week thereafter.
21. List before the Court on 02.08.2022.

JYOTI SINGH, J

JUNE 01, 2022/shivam