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

+ **CS(COMM) 452/2021 & I.A. No. 12015/2021**

STANLEY BLACK AND DECKER, INC.Plaintiff

Through: Mr. Anirudh Bakhru with
Mr. Zeeshan Khan and Mr. Ayush
Samaddar, Advocates.
(M): 7891957926
Email: litigation@rahulchaudhry.com

versus

STANLEY SWITCHGEAR PRODUCTSDefendant

Through: Mr. Shailen Bhatia with Ms. Pritika
Juneja, Ms. Kavita Nigam and
Ms. Deeksha Gulati, Advocates.
(M): 9871354113

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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16.12.2024

I.A. No. 48334/2024 (Application on behalf of the defendant for directions)

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 ("CPC") on behalf of the defendant for directions to the plaintiff to supply index of the documents filed on 20th October, 2021.
2. Learned counsel appearing for the plaintiff submits that the requisite documents have already been provided to the defendant.
3. Learned counsel appearing for the defendant confirms the same.
4. Accordingly, liberty is granted to the defendant to file its Supplementary Affidavit of admission/denial of documents pertaining to the documents, now supplied by the plaintiff.



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

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6. The present suit has been filed for permanent injunction, infringement of trademark, passing off, accounts of profits against the violation of undertaking dated 25th January, 1975 in respect of certain goods, whereby the defendant has stated to have agreed to not use the trademark 'STANLEY' or any other goods, except for those covered by the undertaking.

7. Today, learned counsel appearing for the defendant draws the attention of this Court to the applications filed on behalf of the defendant, details of which are given as under:

Sl. No.	Application Number	Mark	Class	Dated	Status
1.	3596627		9	21.07.2017	Rectification Filed by the Plaintiff
Goods- starter (electric accessories)					
2.	3411669		7	18.11.2016	Opposed by Plaintiff on January 09, 2020
Goods- agricultural implements other than hand-operated, agricultural machines, pumps (machines), pumps (parts of machines, engines or motors)					
3.	3411670		11	18.11.2016	Opposed by Plaintiff on January 09, 2020
Goods- light - emitting diodes (led) lighting apparatus, watering machines for agricultural purposes					
4.	3935910		9	05.09.2018	Opposed by a third party - Mr. Sunil Agarwal
Goods- altimeters, ammeters, cables electric, capacitors, circuit breakers, circuit closers, distribution boxes (electricity), fuse wire, junction boxes (electricity), lightning arresters, relays electric, starter cables for motors, switchboards, voltage surge protectors, voltmeters, wire connectors (electricity), wires electric & cables, wires (telephone)					



8. Learned counsel appearing for the defendant submits that as on date, the applications listed at serial nos. 2 and 3 in the aforesaid table, already stands withdrawn by the defendant.
9. Learned counsel appearing for the defendant further submits that as regards the application listed at serial no. 4 in the aforesaid table, the defendant has already moved an application before the Trade Marks Registry for deletion of the goods, which are beyond the scope of the undertaking.
10. Learned counsel for the defendant further submits that the matter be referred to mediation, so that whatever differences remain between the parties, can be resolved.
11. At this stage, learned counsel appearing for the plaintiff draws the attention of this Court to the order dated 17th September, 2021 and submits that it is clearly recorded in the said order that no goods had been produced/ marketed beyond the undertaking by the defendant.
12. Learned counsel appearing for the defendant submits that he shall take instructions in that regard.
13. Considering the submissions made before this Court, this Court deems it apposite to refer the parties to mediation.
14. Accordingly, list before the Delhi High Court Mediation and Conciliation Centre, to be listed before the Mediator on 08th January, 2025.
15. List before the Court on 24th February, 2025.
16. It is made clear that in case, the mediation proceedings between the parties do not fructify, this Court shall proceed to hear the application i.e., *I.A. No. 12015/2021*, on the next date of hearing.



17. A copy of this order be sent to Delhi High Court Mediation and Conciliation Centre, forthwith.

MINI PUSHKARNA, J

DECEMBER 16, 2024

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