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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 512/2020 & I.A. 10732/2020, I.A. 2107/2021

SOPARIWALA EXPORTS, THROUGH ITS PARTNER
MR. ARIF FAZLANI & ANR.Plaintiffs

Through: Ms. Yashi Agrawal, Advocate.

versus

MR. HAJI IQBAL AHMED ANSARI TRADING
AS M/S AFZAL BIDI CO. & ANR.Defendants

Through: Mr. Mohd. Salman, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **01.04.2025**

CS(COMM) 512/2020

1. The matter is listed for framing of issues. Based on the pleadings of the parties, the following issues are framed in the suit:

i. Whether the Defendants trade mark 'AFZAL BIDI No.90',
'AFZAL TAMBAKU No.90' and the device mark 'AFZAL BIDI

No.90' i.e.  ' are deceptively similar to the Plaintiffs' registered trade mark 'AFZAL'? ~OPP

ii. Whether the Defendants are liable for infringement of the Plaintiffs' registered trade mark 'AFZAL'? ~OPP

iii. Whether the Defendants are liable for passing off the Plaintiffs' registered trade mark 'AFZAL'? ~OPP



iv. Whether the Defendants are liable for unfair competition, dilution or tarnishment of the Plaintiffs' registered trade mark 'AFZAL'? ~OPP

v. Whether the Defendants use of the marks 'AFZAL BIDI No.90', 'AFZAL TAMBAKU No.90' and the device mark 'AFZAL BIDI

No.90' i.e.  amounts to misrepresentation?

~OPP

vi. Whether the Plaintiffs are entitled to damages/rendition of accounts? If so, to what extent. ~OPP

vii. Whether the Plaintiffs are entitled to relief of costs? If so, to what extent. ~OPP

viii. Relief. ~OPP

2. No other issue is pressed for or arises for consideration.

3. Parties shall file their respective list of witnesses within two weeks from today.

4. The plaintiffs shall file evidence of their witnesses by way of affidavits within four weeks from today.

5. List before the Joint Registrar for fixing the dates of trial on 14th May, 2025.

6. List before the Court on 20th August, 2025.

I.A. 10732/2020 (u/O XXXIX Rules 1 and 2 of CPC, 1908) and 2107/2021 (u/O XXXIX Rule 4 of CPC, 1908)

7. An interim injunction order was passed in favour of the plaintiffs and



against the defendants on 19th November, 2020.

8. Even though defendants have filed an application under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 seeking vacation of the stay as far back as 6th January, 2021, it appears that the counsel for the defendants has not pressed this application.

9. One last opportunity is given to the defendants to argue the application, failing which the same shall be dismissed for non-prosecution.

10. List before the Court on 20th August, 2025.

AMIT BANSAL, J

APRIL 1, 2025

Vivek/-