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

+ **CS(COMM) 596/2022**

KENT CABLES PRIVATE LIMITED & ORS. Plaintiffs

Through: Mr. Sandeep Sethi, Senior Advocate
with Ms. Swati Sukumar, Mr. Manik Dogra,
Mr. Naveen Nagarjun, Mr. Pratush Rao,
Ms. Himangi Kapoor and Mr. Ritik Raghuwanshi,
Advocates.

versus

KENT RO SYSTEMS LIMITED & ORS. Defendants

Through: Mr. Rajiv Nayar, Senior Advocate
with Mr. Ankur Sangal, Mr. Ankit Arvind,
Mr. Shashwat Rakshit and Mr. Kiratraj Sadana,
Advocates.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
08.09.2022**

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CAV 251/2022

1. Since learned counsel for the Caveators has entered appearance.
2. Caveat stands discharged.

I.A. 13852/2022 (exemption)

3. Subject to the Plaintiffs filing original, clearer copies and documents with proper margins, which they may seek to place reliance on, within four weeks from today, exemption is granted.
4. Application is allowed and disposed of.



I.A. 13854/2022 (Section 12A of the Commercial Courts Act, 2015 seeking exemption from pre-institution mediation)

5. Present application has been preferred on behalf of the Plaintiffs seeking exemption from instituting pre-litigation mediation, in accordance with Section 12A of the Commercial Courts Act, 2015.

6. Plaintiffs are registered proprietor of the trademark/label

‘KENT’/  in various Classes including 03, 09, 17 and 32. By virtue of long, continuous and extensive user and excellent quality of goods, Plaintiffs claim to have acquired tremendous reputation and goodwill amongst the purchasing public and members of the trade.

7. As per the averments in the plaint, Plaintiffs learnt in the third week of August, 2022, that Defendants are planning to launch fans and it is apprehended that Defendants could then expand to lighting products, cables bearing identical trademark to that of Plaintiffs’, either by branding the products themselves as KENT or by using the Corporate name of Defendant No. 2 on the product, marketing materials, etc., which creates an association with the business of Plaintiffs. As per the Plaintiffs, Defendants are about to launch products using identical/deceptively similar trademarks on similar goods in the market, which according to them infringes Plaintiffs’ registered trademarks and amounts to passing off tarnishing its reputation and diluting the trademark, causing irreparable harm and injury.

8. This Court is of the opinion that Plaintiffs are entitled to consideration of the urgent relief in the present case and are thus granted exemption from instituting pre-litigation mediation.

9. Application is allowed and disposed of.



I.A. 14472/2022 (seeking leave to file additional documents)

10. Present application has been preferred on behalf of the Plaintiffs seeking leave to file additional documents under Order 11 Rule 1(4) CPC.

11. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015.

12. Application is allowed and disposed of.

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13. Let plaint be registered as a suit.

14. Issue summons.

15. Mr. Ankur Sangal, learned counsel accepts summons on behalf of the Defendants.

16. Written statement be filed by the Defendants within 30 days from today along with affidavit of admission/denial of the documents filed by the Plaintiffs.

17. Replication thereto be filed by the Plaintiffs within 15 days of the receipt of the written statement along with an affidavit of admission/denial of the documents filed by Defendants.

18. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

19. List before the learned Joint Registrar on 28.11.2022.

I.A. 13851/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiffs)

20. Present application has been preferred by the Plaintiffs under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure 1908 for grant of an *ex-parte ad-interim* injunction.

21. Issue notice to the Defendants.



22. Mr. Ankur Sangal, learned counsel accepts notice on behalf of the Defendants.

23. List for further consideration on 13.09.2022.

JYOTI SINGH, J

SEPTEMBER 08, 2022/shivam/sn