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

+ **CS(COMM) 520/2024 & I.A. 4970/2025**

TIRTH AGRO TECHNOLOGY PRIVATE LIMITEDPlaintiff

Through: Mr. Manish Kumar Choudhary,
Advocate with Ms. Srishti Choudhary
and Ms. Shefali Choudhary,
Advocates.
(M): 9818606860
Email: chmanish2@yahoo.com

versus

SHREE BHAWANI AGRO INDUSTRIESDefendant

Through: Mr. Sudhir Gupta, Advocate
Mob: 9313885241

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
25.02.2025

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I.A. 4970/2025 (Application under provisions of Order VII Rules 10 and 11 read with Section 151 CPC)

1. The present application has been filed on behalf of the defendant under provisions of Order VII Rules 10 and 11, read with Section 151 Code of Civil Procedure, 1908 ("CPC").
2. Learned counsel appearing for the defendant submits that the defendant is seeking return/rejection of the plaint on the ground of lack of territorial jurisdiction of this Court.
3. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff.



4. Let reply be filed within a period of four weeks.
5. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
6. Re-notify on the date already fixed before the Joint Registrar (Judicial), i.e., 07th May, 2025.

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7. Learned counsel appearing for the plaintiff submits that the plaintiff is agreeable to exploring the possibility of settlement and thus, requests that the matter be referred for mediation.
8. Learned counsel appearing for the defendant submits that he has no objection to the same.
9. The present suit has been filed seeking permanent injunction for restraining the defendants in relation to the plaintiff's registered trademark/trade dress 'SHAKTIMAN' in relation to Rotavator Blades or any other allied and cognate product.
10. As per the plaint, the defendant's trademark/trade dress 'SHAKTIMAN' is deceptively similar to that of the plaintiff.
11. Accordingly, with the consent of the parties, the matter is referred to Delhi High Court Mediation and Conciliation Centre, to be listed before the learned Mediator, on 07th March, 2025.
12. List before the Court on 01st April, 2025.
13. A copy of this order shall be sent to Delhi High Court Mediation and Conciliation Centre, forthwith.

MINI PUSHKARNA, J

FEBRUARY 25, 2025

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