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

+ **CS(COMM) 558/2019**

**BRIDGESTONE CORPORATION** ..... Plaintiff

Through: Mr. Pravin Anand with  
Mr. Dhruv Anand, Advs.

versus

**JASPAL SINGH & ORS.** ..... Defendants

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **30.09.2019**

**IA No.13753/2019(exemption)**

1. Allowed, subject to just exceptions.
2. Application stands disposed of.

**IA No.13752/2019 (u/O XI R-1(4) CPC)**

1. For the reasons stated, the plaintiff is permitted to file the additional documents latest with the replication, if any.
2. The application is disposed of.

**CS(COMM) 558/2019, IA No.13749/2019(u/O.XXXIX R-1&2 CPC), IA No.13750/2019(u/O.XI R-1, 3 & 5 CPC) & IA No.13751/2019(u/O.XXVI R-4, 9 & 10 CPC)**

1. The plaintiff has sued for permanent injunction restraining near counterfeiting of its mark and for ancillary reliefs.
2. Issue summons of the suit and notice of the application for interim

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relief to the defendants, by all modes including *dasti* and electronic, returnable on 14<sup>th</sup> November, 2019.

3. The plaintiff, on the basis of the facts disclosed in the pleadings and the documents filed has made out a case for grant of *ad interim* injunction. The defendants, till further orders, are restrained from using the mark/label



or any other mark or label similar or deceptively similar to the mark BRIGESTONE or device or label BRIGESTONE of the plaintiff.

4. The plaintiff, on the basis of the averments has also made out a case for grant of *ex parte ad interim* injunction.

5. Commissions are issued to the Advocates, whose names are mentioned below, to visit the premises mentioned against their names hereunder:

| Sl. No. | Name                                          | Address of premises to be visited                                                                                                                                                                                                                                |
|---------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | Mr. Rahul Kukreja, Adv.<br>(Mob.9930245807)   | M/s Surjeet Tyres<br>Located at:<br>6574, (Ground, First and Second Floor), M.M.Road, Bara Hindu Rao, New D.C.M. Chowk, Delhi – 110006<br>Also at:<br>#6572, Second Floor, Above Shop No.6570 & 6571, M.M.Road, Bara Hindu Rao, Near D.C.M. Chowk, Delhi-110006. |
| 2.      | Mr. Chitvan Singhal, Adv.<br>(Mob.9920814714) | B-121, Ground Floor, Shivaji Vihar, Near Shivaji College, New Delhi.110027                                                                                                                                                                                       |



and to seize all infringing goods/products bearing the mark



or any other mark or label or device similar or deceptively similar to the mark, device or label of the plaintiff and to, after making an inventory of the same, seal all the said goods and to entrust the same on *superdari*, if any offered by the defendants

6. The Commissioners to also seize all documents/records containing particulars of sale in the past or stocks or other entries pertaining to any goods/products bearing the aforesaid mark/logo and to, after preparing an inventory of the same, seal the same and entrust the same on *superdari*, if any offered by the defendants.

7. The defendants are directed to allow the commissions to be executed and are restrained from interfering in or obstructing in the same.

8. The Commissioners shall be entitled to execute the commissions with police assistance, if required. The commissioners are also entitled to execute the commissions by breaking upon locks and doors.

9. The Commissioners are permitted to be accompanied by the representative/s of the plaintiffs.

10. The Station House Officer of the Police Station having jurisdiction over the premises aforesaid are directed to render necessary assistance to the Commissioners, if sought, to ensure that the commissions are executed.

11. The commission proceedings, if so desired, be videographed/photographed.

12. The Commissions be executed within ten days of today and the reports be submitted within one week of execution of the commissions.

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13. The fee of the Commissioners are fixed at Rs. 1 lakh to be paid in advance by the plaintiffs, besides out of pocket expenses.
14. The provisions of Order XXXIX Rule 3 of CPC be complied with either at the time of execution of the commission or within 24 hours thereof.
15. IA No.13751/2019 is disposed of.

Dasti under signatures of the Court Master.

**RAJIV SAHAI ENDLAW, J**

**SEPTEMBER 30, 2019**

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