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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 770/2022, I.A. 7192/2023 & I.A. 19383/2023**

BIJENDER SINGH KHOKHAR Plaintiff
Through: Plaintiff-in-person.

versus

OLA FOODS (PISCES ESERVICES PVT LTD) & ANR. Defendants
Through: Mr. Sagar Chandra, Ms. Ishani
Chandra and Ms. Sanya Kapoor,
Advs.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
04.04.2024

I.A. 7192/2023

1. This application has been filed under Section 124 of the Trade Marks Act, 1999 by defendants seeking framing of issue regarding invalidity of plaintiff's mark on the ground of non-use.
2. Mr. Chandra, Counsel for defendants argues that as per the documents filed by plaintiff, there is no evidence of use by plaintiff of the mark 'BOWLSOME' in the last five years and that he has no *bona fide intention* of using the same.
3. The best of documents presented by plaintiff for proof of use, according to Mr. Chandra, Counsel for defendants, is a cash bill of 2018, a visitor's register entry and an email dated 2018, but there is nothing shown by plaintiff



in the last five years (since 2018) to demonstrate his use of the said mark.

4. Plaintiff, who appears in-person, states that he does not wish to appoint a legal counsel and wants to argue the matter on his own. He has filed a response to the present application. However, in the course of his arguments, in response to the present application, he makes certain statements which are not found as part of his reply to the present application, as per the documents filed along with it.

5. In the interest of justice, since plaintiff does not have assistance of a counsel, another chance ought to be given to plaintiff to file an additional reply, in order to substantiate his submissions regarding use, that he seeks to canvass.

6. Additional reply will be filed within the next six weeks with copies to the opposing side, who will be at liberty to file a rejoinder to the same, if so necessary, before the next date of hearing.

7. List on 31st July, 2024.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 4, 2024/MK/na