



\$~46

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

+ **CS(COMM) 612/2024**

MINDA SPECTRUM ADVISORY LIMITED & ORS.Plaintiffs

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. C.A. Brijesh, Mr. Krishna
Gambhir and Ms. Simranjot Kaur,
Advocates

versus

M/S ADITYA MINDA INDUSTRIES PRIVATE LIMITED

.....Defendant

Through: Mr. Amartya Sharan and Mr.
Anurudhha Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **29.07.2024**

I.A. 34283/2024-Exp from filing original doc.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

I.A. 34284/2024-Exp

3. By way of the instant application the plaintiffs seek a period of 30 days from the reopening of the Court for filing clearer copies or with exact margins and/or which are handwritten or English translations of vernacular documents or the relevant documents.
4. For the reasons stated in the application, the plaintiffs are granted exemption for a period of 30 days from filing clearer copies, translated copies, left side margins.



5. Accordingly, the present application is allowed and disposed of.

I.A. 34285/2024-Addl. doc.

6. The plaintiffs, vide the present application, are seeking time of thirty days to file additional documents.

7. The plaintiff will be at liberty to file additional documents at a later stage, *albeit*, strictly as per the provisions of the Commercial Courts Act.

8. Accordingly, the present application is allowed and disposed of.

I.A. 34286/2024-Exp.from pre institution mediation.

9. The plaintiffs, vide the present application, is seeking exemption from instituting pre-litigation mediation.

10. Considering the averments made therein and as the plaintiff is seeking an urgent ad-interim relief along with appointment of Local Commissioner(s) as also in view of the orders passed in *Yamini Manohar v. T.K.D. Krithi* 2024 (5) SCC 815 and *Chandra Kishore Chaurasia vs. R.A. Perfumery Works Private Limited* 2022:DHC:4454-DB, the plaintiff is exempted from instituting pre-litigation mediation.

11. Accordingly, the present application is allowed and disposed of.

CS(COMM) 612/2024

12. The plaintiffs by way of the present suit seek injunction and damages for infringement of trademarks, passing off counterfeit goods and for unfair competition under The Trade Marks Act, 1999 and the Designs Act, 2000.

13. Let the plaint be registered as a suit.

14. Issue summons.



15. Learned counsel appearing for the defendant accepts notice. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the Joint Registrar on 21.10.2024.

16. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

17. Replication(s) thereto, if any, be filed by the plaintiffs within a period of *fifteen days* from the date of receipt of written statement(s). The said replication(s), if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

18. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

19. List before the Joint Registrar for marking exhibits of documents on 21.10.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

I.A. 34282/2024-Stay

20. The plaintiffs vide the present application seek grant of an ad-interim injunction in favour of the Plaintiffs and against the Defendant restraining the Defendant from using from using the marks MINDA/ or any other mark or marks, identical to or deceptively similar to or containing the Plaintiffs' registered and well-known trade mark MINDA.



21. Issue notice.
22. Reply, if any, be filed within a period of *thirty days* from the date of service. Rejoinder thereto, if any, be filed within a period of *fifteen days* thereafter.
23. List before the Court on 24.09.2024.

SAURABH BANERJEE, J

JULY 29, 2024/akr