



\$~2&4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CS(COMM) 1493/2016
AFTAB AHMED & ANR Plaintiffs
Through: Mr. Aasish Somasi, Adv.

Versus

NAZEER DELICACIES & ORS Defendants
Through: Mr. Mohan Vidhani and Mr.
Anshuman Sood, Adv.

AND

+ CS(COMM) 507/2018
NAZEER'S DELICACIS & ANR Plaintiffs
Through: Mr. Mohan Vidhani and Mr.
Anshuman Sood, Adv.

Versus

NAZEER FOODS Defendant
Through: Mr. Aasish Somasi, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **12.03.2019**

1. This order is in continuation of the earlier order dated 18th February, 2019.
2. Neither counsel is agreeable to the proposal made on 18th February, 2019.
3. Resultantly, the proceedings in both the suits to remain adjourned *sine die* awaiting the outcome of the proceedings before the Intellectual Property Appellate Board (IPAB).

CS(COMM) 1493/2016 & CS(COMM) 507/2018

Page 1 of 2



4. At this stage, the counsels state that NAZEER'S DELICACIES and another, being the plaintiffs in CS(COMM) 507/2018 also hold a registration No.748453 and AFTAB AHMED and another, being the plaintiffs in CS(COMM) 1493/2016 also hold registration No.1295983 and for complete adjudication of the controversies, it is appropriate that the said registrations are also permitted to be challenged before the IPAB. The counsels state that the aspect of invalidity of marks would arise in relation to the said registrations also.

5. I have considered the request.

6. In the issues framed on 18th February, 2019, the issue as to invalidity of the registrations mentioned therein have already been framed.

7. It is directed that in view of the said issues already framed, the parties shall be entitled to apply to IPAB for rectification of the registrations No.748453 and 1295983 also, however subject to the requisite application being filed within three months, as sought.

8. The date of 18th March, 2019 in CS(COMM) 1493/2016 is cancelled.

RAJIV SAHAI ENDLAW, J.

MARCH 12, 2019

'bs'..