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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 655/2019, IAs 16994/2019, 16995/2019 & 1332/2020

MR. ANIL RATHI

..... Plaintiff

Through: Mr.Sagar Chandra, Ms.Srijan Uppal,
Mr.R. K. Rajwanshi, Mr.Amit Kumar
Sharma and Ms.Jyotsana Arora,
Advs.

versus

M/S GARG STEEL & ORS.

..... Defendants

Through: Mr.Dhruv, Adv. for D-1 & 2.
Mr.Tanmaya Mehta and Mr.Subhash
Chawla, Advs. for D-11 & 12

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.02.2020

1. On the last date of hearing the following order was passed:

“IA. 1332/2020

Mr. Tanmay Mehta, learned counsel appearing for the defendant nos. 11 and 12 states, he has information from Mr. Subhash Chawla, Adv. that henceforth Mr. Chawla shall not be appearing for defendant nos. 1 to 5 and 7. He also states that Mr. Chawla has already informed the said defendants about his withdrawal of the Vakalatnama.

According to Mr. Mehta, this application is primarily directed against the defendant nos. 1, 2, 4, 5 and 7. He states, the said defendants were using the trademark “RATHI” with suffix on the basis of the licenses granted by defendant nos. 11 and 12. He also states, the said licences have been terminated by defendant nos. 11 and 12. On this, Mr. Sagar Chandra, learned counsel appearing for the plaintiff states that the licences having been terminated, the said defendants have no right to use the trademark “RATHI”. As there is no representation for defendants 1 to 5 and 7, re-notify this

application on February 6, 2020. It is expected that Mr. Chawla shall inform defendant nos. 1 to 5 and 7 about the listing of the matter on February 6, 2020.”

2. Mr.Subhash Chawla, learned counsel appearing for the defendant Nos. 11 and 12, states that he has informed the defendant Nos. 1, 2, 4, 5 and 7 about his withdrawal of the Vakalatnama and the date of hearing. Even though defendant Nos. 1 and 2 are represented by Mr.Dhruv, Advocate, there is no appearance for the defendant Nos. 4 5 and 7.

3. Mr.Sagar Chandra, learned counsel appearing for the plaintiff, presses the application being I.A. 1332/2020 to contend that in view of the fact that the defendant Nos. 11 and 12 have cancelled the licenses to the defendant Nos. 1, 2, 4, 5 and 7, they have no right to use trademark ‘RATHI’. Mr.Chandra also states that the defendant No.4 has filed an application with the trademark Registry for registration of the trademark ‘RATHI NEXT TMT’. Mr.Chandra also state that the plaintiff intends to oppose the said application.

4. The learned counsel for the defendant Nos. 1 and 2 states, as per his instructions, the said defendants are not using the trademark ‘RATHI’ after the cancellation of the licenses. The statement is taken on record.

5. Insofar as, the other defendants are concerned, if they are using the trademark ‘RATHI’, they shall not do it till the next date of hearing. This direction is without prejudice to the rights and contentions of the plaintiff as well as defendant Nos. 11 and 12 in these proceedings.

6. Renotify the suit on February 20, 2020 when the connected matters are listed.

V. KAMESWAR RAO, J

FEBRUARY 06, 2020/bh