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

+ **CS(COMM) 97/2024**

GURPAL SINGH

.....Plaintiff

Through: Ms. Aparna Jain and Mr. Ishan Berry,
Advocates for R-1

versus

BHIM SAIN WADHWA

.....Defendant

Through: Mr. Kunal Khanna, Mr. Madhav
Anand, Mr. Krtin Bhasin, Mr.
Yashveer Singh and Mr. Udit Sharma,
Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **17.03.2025**

1. Mr. Kunal Khanna, counsel appearing on behalf of the defendant, submits that his *vakalatnama* shall be filed during the course of the day.
2. In terms of the order passed by this Court on 30th January, 2025, costs of ₹10,000/- have been paid by the defendant to the plaintiff.
3. Based on the pleadings of the parties, the following issues are framed in the suit:
 - i. Whether the registrations of the trademark “KHUSHDIL” in favour of plaintiff are valid? OPD
 - ii. Whether the plaintiff is the prior adopter and user of the trademark “KHUSHDIL” in relation to transportation services? OPP
 - iii. Whether use of the trademark “KHUSHDIL” by the defendant amounts



- to infringement of the plaintiff's registered trademarks? OPP
- iv. Whether defendant has infringed the registered copyright of the plaintiff? OPP
- v. Whether the plaintiff is entitled to the relief of damages and rendition of accounts? OPP
- vi. Any other relief.
4. No other issue arises or is pressed for.
5. Parties shall file their respective list of witnesses within four (4) weeks from today.
6. The plaintiff shall file evidence of its witnesses by way of affidavits within eight (8) weeks from today.
7. Counsel for the defendant submits that since an issue with regard to validity of the trademark registrations of the plaintiff has been framed, the suit is liable to be stayed.
8. Counsel for the plaintiff submits that the suit is liable to be stayed only *qua* the relief of trademark infringement. The suit can proceed insofar as relief of copyright infringement and passing off is concerned.
- 8.1. This aspect shall be considered on the next date of hearing.
9. List on 27th August, 2025.

AMIT BANSAL, J

MARCH 17, 2025

Vivek/-