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

+ **CS(COMM) 707/2023 & I.A. 19600/2023**

NILKAMAL CRATES AND CONTANERS & ANR.Plaintiffs

Through: Mr. Neeraj Bhardwaj, Mr. N.K. Bhardwaj, Mr. Bikash G. and Mr. Rahul Maratha, Advocates

versus

MS. REENA RAJPAL & ANR.Defendants

Through: Mr. Satish Kumar, Mr. Sreejan Pankaj and Mr. S.N. Abbaz, Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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12.11.2024

1. The matter is listed for framing of issues. Based on the pleadings of the parties, the following issues are framed in the suit:

i. *Whether the Court has territorial jurisdiction to entertain the present suit?* ~ **OPP**

ii. *Whether the Plaintiff is the proprietor and prior user of the*

trademark NILKAMAL/ “



*”? ~ **OPP***

iii. *Whether the Defendants’ use of mark, “NILKRANTI” is deceptively/confusingly similar to the Plaintiff’s registered trademarks, “NILKAMAL”?* ~ **OPP**

iv. *Whether the Defendants’ use of mark,*



“NILKRANTI/” is deceptively/confusingly similar to the Plaintiff’s registered trademarks,



“NILKAMAL”?” ~ **OPP**

v. Whether the adoption and use of the mark, “NILKRANTI/



” does not constitute an infringement of the Plaintiff’s registered trademarks, “NILKAMAL/



”?” ~ **OPP**

vi. Whether the adoption and use of the marks,



“NILKRANTI/” does not constitute an act of passing off of the Plaintiff’s trademarks,



“NILKAMAL/”?” ~ **OPP**

vii. Whether the Defendants’ adoption of the trademark,



NILKRANTI/” for goods identical to that of the Plaintiff, is mala fide and dishonest? ~ **OPD**

viii. Whether the Plaintiff is entitled to damages? ~ **OPP**

ix. Relief?



2. No other issue is pressed for or arises for consideration.
3. Parties shall file their respective list of witnesses within four (4) weeks from today.
4. The plaintiff shall file evidence of its witnesses by way of affidavits within six (6) weeks from today.
5. List before the Joint Registrar for fixing the dates of trial on 12th February, 2025.

AMIT BANSAL, J

NOVEMBER 12, 2024
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