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

+ **CS(COMM) 707/2023 with I.A. 47041/2024**

NILKAMAL CRATES AND CONTANERS & ANR.Plaintiffs
Through: Mr. Neeraj Bhardwaj, Mr. Bikash
Ghorai, Mr. Rahul Maratha, and Ms.
Vasupriya Awasthi, Advocates.

versus

MS. REENA RAJPAL & ANR.Defendants
Through: Mr. Satish Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **03.12.2024**

I.A. 47041/2024 (for correction in order dated 12th November, 2024)

1. The present application has been filed on behalf of the plaintiffs to reframe the issues in the suit. The issues were framed in the suit *vide* order dated 12th November, 2024.

2. Issue notice.

3. Notice is accepted by counsel appearing on behalf of the defendants.

4. With the consent of the parties, the issues are reframed and the reframed issues shall read as follows:

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

ii. *Whether the Plaintiff is the proprietor and prior user of the trademark NILKAMAL/ “ “? ~ **OPP***

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



” constitutes an infringement of the Plaintiff’s

registered trademarks, “NILKAMAL/



”?

~ **OPP**

iv. Whether the adoption and use of the marks,



“NILKRANTI/” constitutes an act of passing off of the Plaintiff’s trademarks, “NILKAMAL/



”?

~ **OPP**

v. Whether the Defendants’ adoption of the trademark,



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

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

vii. Relief.

5. The order passed by this Court on 12th November, 2024 stands modified to the aforesaid extent. The remaining part of the said order shall remain unaltered.

6. Application stands disposed of accordingly.

AMIT BANSAL, J

DECEMBER 3, 2024/PB