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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.A.(COMM.IPD-TM) 11/2023 & I.As. 5339/2023**
KENT FANS AND ELECTRICALS PVT LTD Appellant

Through: Mr. Manik Dogra, Ms. Swathi Sukumar, Mr. Pratyush Rao, Mr. Naveen Nagarjuna and Mr. Ritik Raghuwanshi, Advocates.

versus

REGISTRAR OF TRADE MARKS & ANR. Respondents

Through: Mr. Harish Vaidyanathan Shankar, Central Government Standing Counsel with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advocates for R-1.
Mr. Akhil Sibal, Senior Advocate with Mr. Ankur Sangal, Mr. Ankit Arvind, Mr. Kiratraj Sadana and Ms. Asavari Jain, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.03.2023**

I.A. No. 5340-5341/2023 (seeking exemption from filing certified, original, clearer or legible copies of documents with appropriate margin)

1. Exemption is granted, subject to all just exceptions.
2. Appellant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the applications are disposed of.

C.A.(COMM.IPD-TM) 11/2023 & I.A. No. 5338/2023 (seeking stay of order dated 28th December, 2022)

4. Present appeal under Section 91 of the Trade Marks Act, 1999,



impugns order dated 28th December, 2022, whereby, Deputy Registrar of Trademarks has allowed the request of opponent [Respondent No. 2] for extension of time for filing evidence in support of the opposition.

5. Mr. Manik Dogra, counsel for Appellant, states that the view taken by Deputy Registrar is in blatant conflict with the view taken by this Court in an *inter se* dispute between parties titled ***Mahesh Gupta v. Registrar of Trademarks and Anr.*** [C.A.(COMM.IPD-TM) 143/2022]. He further places reliance on ***Surinder Corporation, U.S.A. v. Hindustan Lever Limited & Anr.***¹

6. Issue notice. Mr. Harish Vaidyanathan Shankar and Mr. Ankur Sangal, Advocates, accept notice on behalf of Respondent Nos. 1 and 2, respectively.

7. Reply, if any, be filed within a period of two weeks from today. Rejoinder, thereto, if any, be filed within a period of two weeks thereafter. The same shall also be handed over as well as e-mailed to the Court Master within the same timelines.

8. Considering that the issues urged in the present appeal require consideration, it is directed that till the next date of hearing, Respondent No. 1 shall not take a final decision in the proceedings for opposition No. Del-710431 in trademark application No. 800316.

9. Re-notify on 11th May, 2023.

SANJEEV NARULA, J

MARCH 20, 2023

as

¹ 2007 SCC OnLine Del 1018.