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

+ **CS(COMM) 173/2016**

**MEHAR WING SERVICES PRIVATE
LIMITED & ANR**

..... Plaintiffs

Represented by: Mr. D.K. Yadav, Advocate.

versus

M/S JINDAL RESTAURANT

..... Defendant

Represented by: Mr. Rajiv Bakshi, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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10.10.2017

1. Amendment to the plaint was allowed vide I.A. No. 5943/2017 vide order dated 16th May, 2017. No further written statement to the amended plaint has been filed despite lapse of more than 120 days from the date the amended plaint was taken on record. Hence the right of the defendant to file any further written statement is closed.
2. Admission/denial of documents has been concluded on 19th August, 2016 and hence issues are required to be settled.
3. On perusal of record and with consent of learned counsel for the parties, the following issues are settled:
 - i. Whether the suit is liable to be dismissed for mis-joinder of parties? OPD
 - ii. Whether the plaintiff is the prior adopter/user and proprietor of the trademark/label PINCH OF SPICE?OPP

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- iii. Whether the plaintiff is the lawful and registered proprietor of the trademark/label PINCH OF SPICE? OPP
 - iv. Whether the use of the trademark/label PINCH OF SALT by the defendant amounts to the infringement of plaintiff's registered trademark PINCH OF SPICE? OPP
 - v. Whether the use of the trademark/label PINCH OF SALT by the defendant is likely to cause confusion and deception amounting to passing off? OPP
 - vi. Relief.
4. List of witnesses be filed by the parties within three weeks. Evidence by way of affidavit of plaintiff's witnesses be filed within three weeks thereafter.
5. List the suit before learned Joint Registrar for recording of the statements of the witnesses on 22nd November, 2017.

MUKTA GUPTA, J.

OCTOBER 10, 2017
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