

ITEM NO.12

COURT NO.5

SECTION XI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).6812/2022

(Arising out of impugned final judgment and order dated 18-03-2022 in FAO No.63/2021 passed by the High Court Of Kerala At Ernakulam)

ISMAIL DAFADAR &amp; ANR.

Petitioner(s)

VERSUS

RAFIKUL ISLAM

Respondent(s)

(With applns for exemption from filing c/c of the impugned judgt)

Date : 18-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Haris Beeran, Adv.  
Mr. Mushtaq Salim, Adv.  
Mr. Usman Ghani Khan, Adv.  
Mr. Azhar Asses, Adv.  
Mr. Radha Shyam Jena, AOR

For Respondent(s) Mr. Renjith B. Marar, Adv.  
Ms. Lakshmi N. Kaimal, AOR  
Mr. Chandy Oommen, Adv.  
Mr. M.J. Santosh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The petitioner has filed a suit for passing off and infringement of trademark and infringement of copyright of "AJIT BIRI". An ex-parte injunction was granted by the trial court on 17.04.2021. Later by an order dated 23.07.2021, the application for interim relief was rejected by the trial Court. In the

impugned order, the High Court heard the appeal filed by the petitioner along with other matters and disposed of the appeal with a direction to the trial court to finalise the suit within a period of four months. As there is no consideration of the grounds raised in the appeal or any arguments that were made by the learned counsel for the petitioner, without expressing any opinion on the merits of the case, we remit the matter back to the High Court for decision on merits.

The Special Leave Petition is accordingly, disposed of. Pending application(s), if any, shall stand disposed of.

(B.Parvathi)  
Court Master

(Anand Prakash)  
Assistant Registrar