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

+ **C.O. (COMM.IPD-TM) 161/2021**

M/S VANS INC. USA Plaintiff
Through: Mr. S.K. Bansal & Mr. Aditya Rajesh,
Advocates.

versus

FCB GARMENT TEX INDIA (P) LTD. AND ANR. Defendants
Through: Mr. Saubhagya Agarwal, Ms. Ridhima
Purohit, Mr. Kartik Gupta and Ms.
Pooja Singh, Advocates.

13 WITH
+ **CS (COMM) 449/2022**

VANS INC. USA Plaintiff
Through: Mr. S.K. Bansal & Mr. Aditya Rajesh,
Advocates.

versus

FATEH CHAND BHANSALI TRADING AS PAWAN TRADING
CO. AND ANR. Defendants
Through: Mr. Saubhagya Agarwal, Ms. Ridhima
Purohit, Mr. Kartik Gupta and Ms.
Pooja Singh, Advocates.

14 WITH
+ **C.O.(COMM.IPD-CR) 682/2022**

VANS INC. USA Decree Holder
Through: Mr. S.K. Bansal & Mr. Aditya Rajesh,
Advocates.

versus

PAWAN TRADING CO. AND ANR. Judgement Debtors
Through: Mr. Saubhagya Agarwal, Ms. Ridhima
Purohit, Mr. Kartik Gupta and Ms.
Pooja Singh, Advocates.



17

+

AND

C.O. (COMM.IPD-TM) 416/2022

VANS INC USA, 6550 KATELLA AVENUE, CYPRESS,
CALIFORNIA 90630, USA Plaintiff

Through: Mr. S.K. Bansal & Mr. Aditya Rajesh,
Advocates.

versus

FATEH CHAND BHANSALI M/S PAWAN TRADING CO.
IX/6482, NEHRU GALI, GANDHI NAGAR, DELHI..... Defendant

Through: Mr. Saubhagya Agarwal, Ms. Ridhima
Purohit, Mr. Kartik Gupta and Ms.
Pooja Singh, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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06.07.2022

1. These are four matters relating to the trademark 'VANS' and 'IVANS'. The Plaintiff has also sought cancellation of the Defendants' marks in C.O. (COMM.IPD-TM) 161/2021, C.O.(COMM.IPD-CR) 682/2022 and C.O. (COMM.IPD-TM) 416/2022. The cancellation petitions were originally filed before the IPAB and due to the enactment of Tribunals Reforms Act, 2021, the matters have been placed before this Court.

2. Let the pleadings be completed in all the above-mentioned petitions. Counter affidavits be filed within four weeks. Rejoinder be filed within four weeks, thereafter.

CS (COMM) 449/2022

3. In the suit, vide order dated 26th September, 2020, an interim injunction has been granted in favour of the Plaintiff restraining the Defendant from using the mark 'VANS', IVAN'S' and any other deceptively similar or



identical mark/logo.

4. Ld. Counsel for the parties also submit that there is an appeal being **FAO 158/2022**, which has been filed challenging the grant of interim injunction. The same is pending.

5. Summons/ notice in this matter was issued on 14th March, 2019. Thirty days' time for filing written statement was granted on 26th July 2019. There is some dispute as to whether the written statement was filed within limitation or not. The written statement was filed in December 2019.

6. Considering that the suit was not filed as a commercial suit as it was valued below three lakhs, and the fact that on the next date before the Court i.e., 14th January, 2020, the written statement was filed by the Defendants by the said date. In view of the same, the delay, if any, in filing of written statement is condoned. The written statement is taken on record subject to payment of Rs.5,000/- as costs to the Plaintiff within four weeks.

7. There is an I.A. filed under Order 6 Rule 17 CPC by the Defendant which was filed before the Trial Court. Let the same be numbered. The said application seeks to amend the written statement. A perusal of the amendment application shows that the Defendant intends to raise several new defences and also amend several paragraphs in the preliminary submissions, as well as the reply on merits.

8. Considering the fact that the written statement is taken on record only today, the amendments in the written statement are allowed subject to all the objections of the Plaintiff which would be taken in accordance with law in the replication. The amendment is being allowed subject to costs of Rs.10,000/.

9. Therefore, the total costs of Rs.15,000/- shall now be paid to the Plaintiff by 31st July, 2022. The replication be filed in terms of timelines



prescribed in the IPD Rules.

10. All documents shall be filed by the parties within the said period of 30 days along with their affidavits of admission denial.

11. List for marking of exhibits before the Joint Registrar on 9th September, 2022.

12. Thereafter, list before Court for case management and framing of issues in the suit and the cancellation petitions, on 19th October, 2022.

PRATHIBA M. SINGH, J.

JULY 6, 2022

dj/ss