



\$~13, 14 & 19 (connected)

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

+ C.O. (COMM.IPD-TM) 689/2022 & I.A. 10659/2022 (O-XI R-1(4) CC Act), I.A. 10660/2022 (for exemption), I.A. 10661/2022 (exemption from filing Legal Proceeding certificate of its Registered Trademark), I.A. 10734/2022 (u/S 149 CPC for extension on time to file CF)

DHANANJAY RATHI

..... Petitioner

Through: Mr. Rupin Bahl, Mr. Karan Bajaj and
Ms. Pooja Bhardwaj, Advocates

versus

RATHI RESEARCH CENTRE & ORS

..... Respondents

Through: Mr. Sudhir Chandra and Mr. Jayant
Mehta, Senior Advocates with Mr.
Rohit Amit, Mr. Ashish Choudhury,
Mr.Arpit Choudhury, Mr.P.D.V.
Srikar, Mr. Akash Agarwal and Mr.
Anand Kamal, Advocates

+ CS(COMM) 963/2018 & I.A. 8034/2018 (O-XXXIX R-1 & 2 of CPC), I.A. 16638/2018 (discovery & interrogatories), I.A. 11251/2019 (for adjournment of the case), I.A. 16947/2021(O-XXXIX R-1 & 2 of CPC)

ANIL RATHI & ORS.

..... Plaintiffs

Through: Mr. Sagar Chandra, Ms. Srijan Uppal,
Ms. Mehek Dua and Ms. K. Natasha,
Advocates

versus

DSR STEEL PVT. LTD. & ORS.

..... Defendants

Through: Mr. Rupin Bahl, Mr. Karan Bajaj and
Ms. Pooja Bhardwaj, Advocates
Mr. Subhash Chawla, Advocates for
D-2 to D-5



+ CS(COMM) 267/2022 & I.A. 6428/2022 (O-XXXIX R-1 & 2 of CPC), I.A. 7588/2022 (O-XXXIX R-4 of CPC), I.A. 9368/2022 (O-XXXIX R-9,10, 16(a) & (c) and 19(2)(c) of CPC), I.A. 10366/2022 (O-VI R-17 of CPC), I.A. 10738/2022 (O-XXXIX R-1 & 2 of CPC), I.A. 11562/2022 (u/S 124(1)(b)(ii) of Trade Mark Act for cancellation of Trade Mark no.367635), I.A. 17890/2022 (O-XXVI R-9,10,16(a) & (c) and 19(2)(c) of CPC),

DHANANJAY RATHI

..... Plaintiff

Through: Mr. Rupin Bahl, Mr. Karan Bajaj and
Ms. Pooja Bhardwaj, Advocates

versus

SHREE VASU STEELS PRIVATE LIMITED & ORS.

..... Defendants

Through: Mr. Nitinjya Chaudhry and
Mr.Gaurav Bahl, Advocates for D-1
to D-3

Mr. Sudhir Chandra and Mr. Jayant
Mehta, Senior Advocates with Mr.
Rohit Amit, Mr. Ashish Choudhury,
Mr.Arpit Choudhury, Mr.P.D.V.
Srikar, Mr. Akash Agarwal and Mr.
Anand Kamal, Advocates for D-13 to
18

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

22.03.2023

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I.A. 5676/2023 in CS(COMM) 267/2022

1. The present application has been filed on behalf of the defendants no.1 to 3 seeking de-sealing of the material/goods of the said defendants that were sealed by the Local Commissioners, Sarabpreet Singh and Isha Wadhawan, in terms of the interim order passed by this Court on 28th April, 2022.



2. Affidavits dated 21st March, 2023 have been filed on behalf of the defendants no.1, 2 and 3, whereby they have undertaken to not manufacture products under the trademark “RATHI” without a valid licence in accordance with the Memorandum of Understanding dated 24th June, 1995 and the Trust Deed dated 28th June, 1995 of Rathi Foundation and the Memorandum of Understanding dated 26th June, 1995 and Trust Deed dated 18th October, 1995 of the Rathi Research Centre.

3. Issue notice.

4. Notice is accepted by the counsel appearing on behalf of the plaintiff.

5. Counsel for the plaintiff submits that they do not object to the reliefs claimed in the present application, subject to the defendants no.1, 2 and 3 being bound by the terms of the aforesaid affidavits.

6. Accordingly, the application is allowed and the defendants no.1, 2 and 3 are permitted to de-seal material/goods sealed by the aforesaid Local Commissioners and put the same to merchantable use. The defendants no.1, 2 and 3 shall remain bound by the terms of the aforesaid affidavits. Consequences of breach of aforesaid undertaking have been explained to the defendants no.1, 2 and 3 through their counsel.

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7. Submissions on behalf of the defendants stand concluded.

8. List for rejoinder submissions on 12th April, 2023.

C.O. (COMM.IPD-TM) 689/2022 & CS(COMM) 963/2018

9. List on 12th April, 2023.

AMIT BANSAL, J.

MARCH 22, 2023/dk