

TM 3/22

M/S GOLDMEDAL ELECTRICALS PVT LTD Vs. DALPAT SINGH

02.05.2022

Present: Sh. Kamal Naresh, Ld counsel for the plaintiff.

Sh. Anuj Jhavar, Ld counsel for the defendant.

Arguments on the application u/O 39 Rule 1 and 2 CPC heard.

Vide order dated 27.01.2022, the ex-parte ad interim injunction in favour of the plaintiff and against the defendant was granted and the defendant was restrained from manufacturing, marketing, distributing, supplying, using, selling, soliciting, exporting, importing, displaying, advertising or by any other mode using the impugned trademarks/labels “**GOLDMEDAL**” or any other word/mark/label which may be identical with and/or deceptively similar to the plaintiff’s said trademark/label ‘**GOLDMEDAL**’ in relation to the electrical goods, electrical appliances, electrical accessories and fitting, wires and cable, switches, pipes, insulating materials and other related/cognate/allied goods and from doing any other acts or deeds amounting to or likely to infringement/passing of plaintiff’s trademark.

In the present matter, the WS has not yet been filed within the stipulated period and on the LDOH i.e. 16.03.2022 Ld counsel for the defendant has also appeared. In these circumstances, the defence of the defendant is hereby struck off.

Ld counsel for the defendant submits that the defendant is not using the aforesaid trademark as of now after the injunction order dated 06.06.2020 passed by District Judge, Commercial Court, South District, Saket Courts, New Delhi in another case between the same parties. Ld counsel for the defendant submits that he will receive instructions from the defendant and would file the

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appropriate documents on record.

As per the case of the plaintiff, the defendant is using the exactly similar registered trademark of the plaintiff with regard to electrical goods and appliances. The defendant cannot be allowed to continue to use the aforesaid trademark 'GOLDMEDAL' which was got registered by the plaintiff and consequently, the order dated 27.01.2022 passed by this Court u/O 39 Rule 1 and 2 CPC is liable to be confirmed since the plaintiff has established a prima-facie case in its favour and the balance of convenience also lies in its favour and if the injunction is not granted, the plaintiff would suffer irreparable injury to its business and goodwill. Hence, the defendant is restrained from using the trademark 'GOLDMEDAL' or any other words/marks/label which may be identical with and/or deceptively similar to the plaintiff's trademark/label GOLDMEDAL in relation to the electrical goods/electrical appliances etc as mentioned in the order dated 27.01.2022 till the disposal of the present suit.

Application u/O 39 Rule 1 and 2 CPC stands disposed of.

Put up for PE on **15.11.2022**.

(Manish Khurana)
Additional District Judge-03
Patiala House Courts, New Delhi
02.05.2022