

ITEM NO.10 Court 8 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).12741/2020

(Arising out of impugned final judgment and order dated 09-10-2020 in AAO No.7/2020 passed by the High Court Of Judicature At Bombay At Nagpur)

SUNILKUMAR AMRUTLAL JAIN Petitioner(s)

VERSUS

M/S MYSORE DEEP PERFUMERY HOUSE Respondent(s)
(IA No.94/2021 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

SLP(C) No. 88/2021 (IX)
(With applns for exemption from filing c/c of impugned judgment, permission to place on record subsequent facts)

Date : 02-02-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Arun Agrawal, Adv.
 Mr. Satyajit A Desai, Adv.
 Ms. Anagha S Desai, AOR
 Mr. Satya Kam Sharma, Adv.

Mr. P. S. Sudheer, AOR

For Respondent(s) Mr. Harshit Tolia, Adv.
 Mr. P. S. Sudheer, AOR
 Mr. Bharat Sood, Adv.
 Ms. Shruti Jose, Adv.

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

The respondent filed the trademark suit relating to a trademark 'Shriphal'. The trial court passed an ex-parte order of injunction on 21.09.2019

in the said civil suit. By an order dated 21.12.2019, the trial court affirmed the injunction.

The petitioner challenged the said order dated 21.12.2019 in the High Court. The High Court remanded the matter back to the trial court for a fresh consideration of the issues that arise in the case. While remanding the matter back to the trial court, the High Court extended the injunction for a period of six months from the date of the order i.e. 9.10.2020. The High Court further directed the trial court to dispose the application under Order 39 Rule 1, within a period of four months.

Notice was issued in this Special Leave Petition. The learned counsel appearing for the petitioner and respondent gave an undertaking to this Court not to proceed with the matter before the trial court. As the application is ripe for hearing and the interim injunction was holding the field since September, 2019, we are of the view that it is expedient to direct the trial court to decide the application filed under Order 39 Rule 1 by the respondent within a period of two months from today. The order of injunction granted by the trial court is extended for a period of two months or till the application is disposed of, whichever is earlier. The trial court shall decide the application uninfluenced by any observations made by the High

Court in the order dated 9.10.2020.

The Special Leave Petitions and pending applications stand disposed of accordingly.

**(B.Parvathi)
Court Master**

**(Anand Prakash)
Court Master**