

ITEM NO.3

COURT NO.2

SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 17216/2018

(Arising out of impugned final judgment and order dated 10-04-2017 in FAOS No. 21/2016 and 21-04-2017 in RP No. 148/2017 passed by the High Court of Delhi at New Delhi)

DELHI PUBLIC SCHOOL SOCIETY

Petitioner(s)

VERSUS

DPS WORLD FOUNDATION & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.77534/2018-CONDONATION OF DELAY IN FILING and IA No.77535/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 24-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sudhanshu Batra, Sr. Adv.
Mr. Puneet Mittal, Sr. Adv.
Mr. Bhuvan Gugnani, Adv.
Mr. T.V. Ratnam, Adv.
Mr. Arvind Kumar Gupta, AOR
Ms. Vasudha Bajaj, Adv.
Mr. Aditya Mishra, Adv.

For Respondent(s) Mr. Amrendra Sharan, Sr. Adv.
Mr. Zafar Khurshid, Adv.
Mr. Vikramaditya Singh, Adv.
Mr. Aadil Singh, Adv.
Mr. Sanchit Guru, Adv.
Mr. Imtiaz Ahamed, AOR

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

Heard the learned counsels for the parties
and perused the relevant material.

Delay condoned.

Permission to file additional documents is granted.

Having regard to the fact that the mark/name/words 'DPS' is registered in favour of the petitioner in Class 42 of the Trade Marks Act, 1999 and the words 'Delhi Public School' has also been registered during the pendency of the proceedings before the learned Single Judge and the logo is also registered in class 42 of the Act, we are of the view that at this stage all that would be appropriate to be recorded in the present order is that the Division Bench of the High Court was not correct in permitting the defendants to use the words 'Delhi Public School'. We accordingly restrain them from using the mark 'DPS' or 'Delhi Public School' or the logo. In other words, injunction as prayed in the suit under Order 39, Rule 1 and 2 of the Code of Civil Procedure is allowed.

It is made clear that the above observation shall be understood to be confined for the purpose of grant of interim relief and will not affect the trial of the suit.

The special leave petitions are disposed of in the above terms.

(NEETU KHAJURIA)
COURT MASTER

(ASHA SONI)
BRANCH OFFICER