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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO (COMM) 138/2024 and CM APPLs. 40653/2024, 40655/2024

G M MODULAR PVT. LTD.

.....Appellant

Through: Mr. Shravan Bansal, Mr. Rishi Bansal, Mr. Mankaran Singh and Ms. Suvarna Singh, Advs.

versus

GM INNOVATIONS PVT. LTD.

.....Respondent

Through: Mr. Anshuman Upadhyay, Mr. Shreyas Mehrotra, Mr. Naseem, Mr. Rahul Singh and Mr. Apporva Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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01.08.2024

1. The appellant has filed the present appeal impugning the order dated 14.05.2024 (hereafter *the impugned order*), passed by the learned Commercial Court, South, Saket (hereafter *the Commercial Court*) in CS(COMM) 171/2023 captioned *M/s GM Modular Pvt. Ltd. v. GM Innovations Private Limited*. In the impugned order, the learned Commercial Court had rejected the appellant's (plaintiff in the suit) application under Order 39 Rule 1 and 2 CPC for an interim injunction restraining the respondent (defendant in the suit) from using its trademarks



(hereafter *the impugned trademarks*).

2. According to the appellant, the said marks are deceptively similar to



its following trademarks



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are registered in various classes.

3. After some arguments, the parties have agreed upon an interim arrangement whereby the respondent has agreed not to use the impugned trademarks in relation to any other products other than bathware and paints. The respondent further undertakes that it will change its label and not use the colours red and white or any other colour currently used in the appellant's trademarks.

4. The respondent has also filed an affidavit, affirmed on 29.07.2024, to the aforesaid effect. The said affidavit is also taken on record.

5. With the consent of the parties, the present appeal is disposed of, binding down the respondent to the terms of its affidavit and the terms as recorded in this order. The same shall continue to operate till the disposal of the suit before the learned Commercial Court.

6. It is also clarified that the interim arrangement is without prejudice to all rights and contentions of the parties in the suit, and the learned Commercial Court shall adjudicate the same uninfluenced by the aforementioned interim arrangement.

7. The appeal is disposed of in the aforesaid terms.

8. All pending applications are also disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

AUGUST 01, 2024/cl