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

+ CS(COMM) 100/2022 & I.As. 2379-83/2022

VENUS WORLDWIDE ENTERTAINMENT PRIVATE
LIMITED

..... Plaintiff

Through: Mr. Pravin Anand, Mr. Dhruv Anand,
Ms. Uditā M. Patro, Ms. Sampurnā
Sanyal, and Ms. Vaishali Joshi;
Advocates.

versus

POPULAR ENTERTAINMENT NETWORK (PEN) PRIVATE
LIMITED & ANR.

.... Defendants

Through: Mr. Rishi Agarwal, Mr. Harshvardhan
Jha and Mr. Karan Luthra, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **10.02.2022**

[VIA VIDEO CONFERENCING]

**I.A. 2380/2022(u/O 11 R 1(4) of the Commercial Courts Act, 2015 r/w
Section 151 CPC seeking leave to file additional documents)**

1. This is an application seeking leave to file additional documents under Commercial Courts Act, 2015.
2. The Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act.
3. The application stands disposed of.

I.A. 2381/2022(u/S 151 of the Code of Civil Procedure, 1908 for exemption from filing originals, clearer copies, translated copies, left side margins and notarised documents)

4. Exemption is granted, subject to just exceptions.
5. The Petitioner shall file better copies of exempted documents, compliant with practice rules, before the next date of hearing.
6. The application stands disposed of.

I.A. 2382/2022 (Application u/Section 149 read with Section 151 of the Code of Civil Procedure, 1908 seeking extension for filing Court Fees)

7. For the grounds and reasons stated in the application, the time period for deposit of deficient court fees is extended by a period of two weeks from today.
8. The application stands disposed of.

I.A. 2383/2022(under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of the Code of Civil Procedure, 1908 seeking exemption from attempting pre-institution mediation)

9. Having regard to the facts of the present case, exemption from attempting pre-institution mediation is allowed.
10. The application stands disposed of.

CS(COMM) 100/2022

11. Let the plaint be registered as a suit.
12. Issue summons. Summons are accepted by Mr. Karan Luthra, counsel for the Defendants. The written statements shall be filed by the Defendants within 30 days from today. Along with the written statement, the Defendants

shall also file an affidavit of admission/ denial of the documents of the Plaintiff, without which the written statements shall not be taken on record.

13. Liberty is given to the Plaintiff to file replications within 15 days of the receipt of the written statements. Along with the replications, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replications shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

14. List before the Joint Registrar for marking of exhibits on 28th April, 2022. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

15. List before the Court after completion of pleadings and marking of exhibits for framing of issues thereafter.

I.A. 2379/2022 (u/O XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 seeking grant of ex-parte ad-interim injunction)

16. Issue notice. Mr. Karan Luthra accepts notice on behalf of the Defendants. Reply, if any be filed within one week. Rejoinder thereto, before the next date of hearing.

17. It is already 5:00 PM. The matter has been listed pursuant to an urgent mentioning. The Court has heard counsel for the parties for more than an hour.

18. The present suit has been filed by the Plaintiff seeking a permanent injunction restraining infringement of its registered “KHILADI” trademarks – as enumerated in paragraph 17 of the plaint, in particular trademark

registration number 3491374. Plaintiff is aggrieved with the forthcoming release of a film titled 'KHILADI' by the defendants. The said film is slated to be released in Cinemas on the 11th of February, 2022. After some arguments, Mr. Pravin Anand, counsel for the Plaintiff, on instructions, states that he is not pressing for an *ex-parte* order *qua* the theatrical release. He however submits that the movie would at a later date, also be released on Digital/ OTT platforms and across other technological media *viz.* DVD/ VCD. He submits that interim orders be passed *qua* such imminent launch.

19. The certification of Defendant's movie is for title "KHILADI". However, in the posters, underneath the said title – a slogan/ tagline "Play Smart" also appears. Mr. Luthra states that he will take instructions from his client as to whether the representation of the tagline appearing along with the title can be changed for the release across other platforms, so as to address the Plaintiff's concern.

20. Re-notify on 17th February, 2022.

SANJEEV NARULA, J

FEBRUARY 10, 2022

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