
(2009) 07 DEL CK 0435
In the Delhi High Court
Case No : FAO (OS) 181 of 2002

Jitendar V. Jain and Another

APPELLANT

Vs

Living Media Ltd.

RESPONDENT

Date of Decision : 02-07-2009

Acts Referred:

Citation : (2009) 07 DEL CK 0435

Hon'ble Judges : Neeraj Kishan Kaul, J;Mukul Mudgal, J

Bench : Division Bench

Advocate : Prathiba M. Singh and Archana Sahadeva, for the Appellant; None, for the Respondent

Judgement

Mukul Mudgal, J.—This appeal challenges the order of the learned Single Judge dated 21st May, 2002 granting interlocutory injunction against the appellants in using the name "AAJ TAK" and its logo having distinctive features in relation to the News Channel run by the respondent. In appeal certain interim orders were passed by this Court, which have been in subsistence since the year 2002. The first order was passed on 23rd May, 2002 which reads as follows:

23.05.2002

31 Present: Mr. Sandeep Sethi with Ms. Pratibha M. Singh for the appellants.

Mr. Rajiv Nayar, Sr. Advocate with Mr. S. Salwan for the respondent.

+ CMs No. 450 & 451/2002 in FAO(OS) No. 181/2002

* Exemptions are allowed, subject to all just exceptions.

CM No. 449/2002 & FAO(OS) No. 181/2002

2. After hearing counsel for the parties, it is ordered that as an interim measure, the appellant may print the newspaper with different logo than that of the respondent. That the word "KHABREIN" will be written in bold letters and the word "AASJ TAK" be in small letters. Further the appellant will print on the front

page along with the word "KHABREIN Aaj Tak" the disclaimer.

3. This order is without prejudice to the right of the parties in the appeal. It is only as an interim measure that this order has been passed. The appellants will produce the sample of the logo as well as sample as to how he is going to use the word "KHABREIN AAJ TAK" and of disclaimer on the next date of hearing i.e. 29th May, 2002.

4. In the meanwhile, impugned order shall remain stayed." This order was affirmed on 29th May, 2002. Further more on 11th March, 2004, this Court observed that order of affirmation shall remain in force until further orders.

5. The order is continuing right up to date and the suit filed in the year 1999 is pending disposal.

6. On the last date of hearing i. e. on 1st July, 2009, a plea was made by learned Counsel for the appellants that this order should continue during the pendency of the suit.

7. As the respondent was absent yesterday and none has appeared for him today also though the pendency of the matter was communicated to him, we consider the plea of the appellants and since the order has subsisted for more than seven years during the pendency of the appeal and the suit is of year 1999, no prejudice would be caused by the continuation of this order during the pendency of the suit.

8. Accordingly, the interim orders passed by this Court on 23rd May, 2002, 29th May, 2002 and 11th March, 2004 shall continue to operate during the hearing of the suit. We have noted the fact that the interim orders passed by this Court by and large would take care of the pleas sought to be agitated by the respondent.

9. The appeal stands disposed of accordingly.