

(2009) 09 SC CK 0017

In the Supreme Court Of India

Case No : Petition's for Special Leave to Appeal (Civil) No's. 21594 of 2009

Shree Vardhman Rice and Gen Mills

APPELLANT

Vs

Amar Singh Chawalwala

RESPONDENT

Date of Decision : 07-09-2009

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 17 Rule 1(2)

Citation : (2009) 41 PTC 397 : (2009) 12 SCALE 529 : (2009) 10 SCC 257

Hon'ble Judges : Markandey Katju, J;Asok Kumar Ganguly, J

Bench : Division Bench

Advocate : S. Janani, S. K. Bansal and Deepak Goel, for the Appellant; Sudhir Chandra Rana Mukherjee, Gurvinder Singh and Goodwill Indeevar, for the Respondent

Final Decision : Disposed Of

Judgement

1. Heard learned Counsel for the petitioner.
2. This petition is directed against the judgment and order dated 29.5.2009 of the Division Bench of the High Court of Delhi by which the Defendant-appellants have been restrained from using the words 'HARA QILLA' and device 'QILLA' in their bags/packets of rice as a trademark.
3. Without going in to the merits of the controversy, we are of the opinion that the matters relating to trademarks, copyrights and patents should be finally decided very expeditiously by the Trial Court instead of merely granting or refusing to grant injunction. Experience shows that in the matters of trademarks, copyrights and patents, litigation is mainly fought between the parties about the temporary injunction and that goes on for years and years and the result is that the suit is hardly decided finally. This is not proper.
4. Proviso (a) to Order XVII Rule 1(2) C.P.C. states that when the hearing of the suit has commenced, it shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds that, for the

exceptional reasons to be recorded by it, the adjournment of the hearing beyond the following day is necessary. The Court should also observe Clauses (b) to (e) of the said proviso.

5. In our opinion, in matters relating to trademarks, copyright and patents the proviso to Order XVII Rule 1(2) C.P.C. should be strictly complied with by all the Courts, and the hearing of the suit in such matters should proceed on day to day basis and the final judgment should be given normally within four months from the date of the filing of the suit.

6. On the facts of the present case, we are not inclined to interfere with the impugned judgment and order. However, we request the High Court that the suit in question should be decided within three months from the date a copy of this order is produced before the Trial Court.

7. With the abovesaid observations, the SLP stands disposed of.