

Forme Communications Vs. Dilip Kumar Aggarwal

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Court : Delhi

Decided On : Jul-10-2014

Judge : G. S. Sistani

Appellant : Forme Communications

Respondent : Dilip Kumar Aggarwal

Judgement :

\$~14 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision :10th July, 2014 % + CS(OS) 1640/2012 FORME COMMUNICATIONS Plaintiff Through : Ms.Pratibha M. Singh, Sr. Advocate with Ms.Yashodhara A. Dayal, Advocate versus DILIP KUMAR AGGARWAL Through : None Defendant CORAM: HON'BLE MR. JUSTICE G.S.SISTANI G.S.SISTANI, J.

(Oral) CS(OS) 1640/2012 1. Present suit has been filed by the plaintiff for permanent injunction restraining passing off with damages. Summons were issued in the suit on 30.05.2012. Despite best efforts by the plaintiff, defendant was not served. Defendant was served through publication effected in Deccan Herald New Delhi edition dated 29.01.2013, Sanjevani dated 24.01.2013 and also in Veer Arjun dated 30.01.2013. None appeared for defendant despite notice by way of publication, consequently defendant was proceeded ex parte vide order dated 16.05.2013.

2. Plaintiff has filed affidavit of Ms. Chunlu Du (PW1), General Manager Assistant of the plaintiff company. Ms.Du has been duly authorized by a Board Resolution passed in May 2012, and ratified vide Board Resolution dated 27th September 2013 to institute and represent the plaintiff company in the present suit. A copy of Board Resolution dated May 2012 has been marked as Mark A and the original board Resolution dated 27 th September 2013 ratifying the acts has been exhibited as Ex. PW-1/1. The affidavit by way of evidence has been exhibited as Ex. PW-1/A.

3. PW1 has deposed that the plaintiff company is a BVI Business Company incorporated in the British Virgin Islands (BVI) on 28.4.2009 under BVI Business Companies Act of 2004 bearing Company No.1529913. The Plaintiff Company has its registered address as P.O Box 957, Offshore Incorporation Center, Road Town, Tortola, British Virgin Islands and its communications address/office at Room No.603, Wanchai Central Building, 89 Lockhardt Road, Wanchai, Hongkong. The headquarters of the Plaintiff Company are located in Meitai Industrial Park, Shenzhen, China. The original Certificate of Incumbency issued by the registered agent of the Plaintiff Company has been exhibited as Ex. PW-1/2.

4. She has further deposed that the Plaintiff Company is engaged in manufacturing and selling high quality and cost effective mobile phone products in the global market under its trademark comprising of word Forme along with the logo of the Plaintiff Company hereinafter referred to as trademark Forme with its logo. Trademark Forme with its logo is registered under the Trade marks Act 1999 bearing registration No.1851572, since 18.8.2009 in Class 9. An original carton of the Plaintiffs product bearing the trademark FORME along with the logo has been exhibited as Ex. PW-1/3. A certificate for use in Legal Proceedings for the said trademark has been exhibited as Ex. PW1/4.

5. PW1 has further deposed that the Plaintiff Company has also registered the word Forme as a separate trademark hereinafter referred to as trademark Forme, bearing registration No.1950481 since 15.4.2010 with the Registrar of Trademarks under Trade Marks Act 1999. The certificate for use in legal proceedings for the said trademark has been exhibited as Ex. PW-1/5. It has also been deposed that

both trademarks namely trademark Forme and trademark Forme with logo have been registered in Class 9 for Batteries, Electric, Battery Boxes, Battery Chargers, Battery Jars, Cases especially made for Photographic Apparatus and Instruments, Chargers for Electric Batteries, Earplugs for Divers, Megaphones, Microphones, Telephone Apparatus, Telephone receivers, Telephone Transmitters, Telephone Wires, Video Telephones. Plaintiff Company has subsisting registration of trademark Forme and trademark Forme with its logo in a number of countries. Photocopies of registration certificates granted in Hong Kong and Philippines have been marked as Mark B & C respectively.

6. She has also deposed that the Plaintiff Company is engaged in research and development (R&D), production, marketing and after sale service for the mobile phone products it manufactures. It has also been deposed that from the records of the company that the aggregate initial investment of the Plaintiff Company is approximately over one billion Renminbi (RMB), (1 RMB = approximately 8 INR which approximates to Rupees 800 crores). The un-audited Profit and Loss Account for the year 2011 shows that the Plaintiff Company had sales of approximately USD22Million with a net profit of USD16 Million. Further the mobile phone business of the Plaintiff Company has expanded exponentially over an extremely short period of time, for instance, in the year of 2009, the Profit and Loss statement of the Plaintiff Company shows net sales of USD6161 with a loss of USD1278 However, in the year 2010 sales jumped to USD37 Million (approximately) with a profit of USD281847. In 2011, the sales figure climbed to USD22Million with a net profit of USD16 Million. The Profit and Loss account (P&L a/c) of the Plaintiff Company with the original seal for the years 2009, 2010 and 2011 has been exhibited as Ex. PW-1/6.

7. Ms. Chunlu Du, PW1, has further deposed that the extent and range of work being done by the Plaintiff Company can be seen from the comprehensive and dynamic website called www.szforme.com which provides detailed information about the Plaintiff Company and the various mobile phones manufactured by it. Printouts of the Plaintiffs website along with an affidavit under Section 65 B of the Evidence Act have been exhibited as Ex. PW-1/7.

8. It has also been deposed that the Plaintiff Company has been in the market prior and has been the prior user of the trademark **Forme** and trademark **Forme** with its logo as is evident by reference to certain facts which are in public domain, firstly, customs data placed on record by the Plaintiff Company shows that mobile phones bearing the trademark **Forme** along with trademark **Forme** with its logo are being imported into India from China since September 2009. This data is obtained from Cybex Exim Solutions (P) Ltd. having its office at 4 th floor, Om Complex, Sector 15 Noida,(UP). The website address of Cybex Exim Solutions is www.cybex.in. Cybex Exim Solutions provides customized data research for all information related queries in the field of foreign trade. The Plaintiff Company has purchased the relevant data for evidencing the import of mobile phones of the Plaintiff Company from Cybex Exim Solutions (P) Ltd. The report of Cybex Exim Solutions and the receipt of payment in the name of the Plaintiff are filed herewith along with an affidavit under Section 65-B of the Indian Evidence Act and have been exhibited as Ex. PW-1/8.

9. Further, the mobile phones of Plaintiff Company are also available for purchase online (over the internet). The Plaintiff Company is selling and exporting **Forme** mobile phones in large numbers which can also be seen by perusing the Customs Bonded Area & Exit Goods Record list dated 10th May 2010 maintained by the Chinese Customs Registration Review Authority. The scanned copy of Customs Bonded Area & Exit Goods Record list dated 10th May 2010 has been marked as Mark D. Few scanned proforma invoices of the Plaintiff Company have been exhibited as Ex. PW-1/9 (Colly).

10. PW1 has also deposed that another factor which establishes prior use of the trademark **Forme** and trademark **Forme** with its logo by the Plaintiff Company is the fact that the Plaintiff Company received national media coverage (advertisements) in June 2011 regarding its **Forme** brand. Newspaper reports clearly mention the fact that the Plaintiff Company owns the brand name **Forme**. Various internet news reports that inform members of the public regarding the Plaintiff Company and **Forme** mobile phones manufactured by it have been exhibited as PW-1/10 (Colly).

11. She has further deposed that the Plaintiff Company has spent approximately Rupees twenty lakhs (Rs. 20,00,000/-) or more in getting advertisements made, signing up celebrities for endorsing brand Forme and also getting jingles composed. Media reports and the investment made were all towards highlighting and further building brand Forme in India. Scanned copies of vouchers of money spent on advertisements, jingles, celebrities for advertisement in India and photographs of worldwide presence and Advertisements published along with an affidavit under Section 65-B, have been exhibited as Ex. PW-1/11 (Colly.).

12. It has also been deposed that various mobile phone models of the Plaintiff Company are available in the Indian market with the trademark Forme with its logo which are also manufactured by the Plaintiff Company. The available models have been listed in various websites. Printouts of the websites selling and/or advertising the Plaintiffs phones under the trademark FORME with its logo have been exhibited as Ex. PW-1/12 (Colly.). Some of such models of the mobile phones available in the market and which have been found available by the Industrial and Commercial investigator during his investigation in New Delhi are M-600, M-60, M-80, M-660, W-678. Original report of the Industrial and Commercial Investigator dated 20.3.2012 have been exhibited as Ex. PW-1/13.

13. PW1, Ms. Chunlu Du, has further deposed that the Plaintiff Company not being an Indian Company, was not familiar with the procedure followed in India for the purpose of registration of trademarks and the requisite follow up required for keeping a vigil on the trademark journal for any subsequent advertisements that may be made in terms of Section 20 of the Trade Marks Act 1999. The trademark registration of trademark Forme and trademark Forme with logo of the Plaintiff Company under the Trade Marks Act, 1999 was also done by Chinese agents. It was only in the month of October 2011, that the Plaintiff Company came to know that the trademark Forme had been registered by the Defendant through one of its vendors. It has also been deposed that the Defendant has registered trademark Forme in his own name in Class 9 and 35 bearing registration nos. 1968414 and 1968415 respectively on 20.5.2010, which registrations have been done after the registrations of the trademarks Forme and Forme with logo. Certificates for use in Legal Proceedings of the Defendants trademark registrations have been exhibited

as Ex. PW-1/14 and PW-1/15, respectively.

14. PW1 has also deposed that on learning this fact the Plaintiff Company started to make enquiries which resulted in it finding out from the internet that the Defendant had already registered the trademark *Forme* in its own name despite the trademark *Forme* validly subsisting in the name of the Plaintiff Company on the Register of Trademarks. It has been deposed that PW1 along with other representatives was also involved in the process of the aforesaid investigation undertaken by the Plaintiff Company. Since the Plaintiff Company did not have knowledge of the applied procedure of trademark registration in India and how to have their grievance addressed, they approached the Chinese embassy who advised them to seek legal help. Representatives of the Plaintiff Company including PW1 also went to Mumbai sometime in November 2011 to meet the Controller General of Patent, Design and Trademark, and there the Plaintiff Company was advised to initiate legal proceedings. In the meantime, the Plaintiff Company through its legal representatives which included PW1 was also advised that it should take necessary steps to determine whether the Defendant was as a matter of fact conducting any business under the mark *Forme* or not. Plaintiff Company collected the necessary evidentiary material/documentation to support its case and after concluding to the best of its knowledge that the Defendant was not carrying out any business activity under the trademark *Forme* that the present proceedings were initiated. Plaintiff Company through its representatives including PW1 also conducted a search in the Trade Mark Registry to ascertain if the Defendant had indulged in similar kind of trademark squatting in relation to other marks belonging to other persons. Plaintiff Company had also employed the services of a Commercial Industrial and Intellectual Property investigator who carried out an investigation to determine whether the Defendant was using his registered trademark *Forme* in the market or not. The investigator carried out three investigations, the first investigation was conducted in Delhi on 20 th March 2012 at address being M-6, Harsha House, Karampura Commercial Complex, New Delhi - 110015 which has been exhibited as Ex. PW-1/13. The second search was conducted on the address furnished by the Defendant in Bangalore and a report of the same has been exhibited as Ex. PW-1/16. On a search conducted in Delhi and Bangalore on the addresses furnished by the Defendant in his trademark

application, as on 23.03.2012 and 28.03.2012, it was found that the Defendant had not yet started his business whereby he is using the trademark *Forme*. The investigators reports have been exhibited as Ex. PW -1/17 & 1/18 respectively.

15. It has further been deposed that the aforementioned second investigation was carried out by the investigator at Bangalore. The investigator on 28th March 2012 reached Bangalore and visited property bearing No.38 Model House Street Basavanugudi, Bangalore 560004. The said address was given by the Defendant in his application for registration of the trademark. The investigator in his report stated that even though there are 5 streets of Model House, there is no house/shop/plot available with the address of No.38, Model House Street.

16. It has also been deposed that the Defendant with malafide intent has procured the registration of the word *Forme* which is visually and phonetically identical to the trademark *Forme* and visually similar and phonetically identical to trademark *Forme* with logo registered by the Plaintiff Company.

17. Further, on a search carried out by the Plaintiff Company in the Trademark Journal, it was found that the Defendant has applied for registration of the word *GFive* & *LaWoW* as his trademark in class 9. As a matter of fact *GFive* and *LaWow* are Chinese mobile phone manufacturers who have been in the market since around 2003. The Defendant had sought registration of the mark *GFive* vide his application dated 21st December 2009. It has also been deposed that *GFive* too manufactures mobile phones which are available in India and is a competitor of the Plaintiff Company in the market. Extract from the Trademark Journal No.1438 dated 16th April 2010 showing fact of registration by the Defendant for *GFive* mark as available in public domain, on the internet, has been marked as Mark E.

18. PW1 has also been deposed that the use or any attempt to use trademark *Forme* and trademark *Forme* with logo by the Defendant in any manner for any goods or services is in violation of the proprietary rights of the Plaintiff Company in the trademarks *Forme* and *Forme* with logo and will amount to impinging on the goodwill and reputation of the Plaintiff Company.

19. It has further been deposed that the Defendant is seeking to take advantage of the extensive use and reputation of the trademark **Forme** and trademark **Forme** with its logo belonging to the Plaintiff Company globally, and in India, and over the internet. It is imperative that the Defendant is prohibited from using or attempting to use the trademark **Forme** in any manner.

20. Plaintiff has also filed separate affidavit of Ms. Chunlu Du elucidating the legal costs and damages incurred by the Plaintiff in prosecution of the case against the Defendant. The said affidavit has been exhibited as Ex. PW-1/B. She has deposed that in order to protect the goodwill of the Plaintiff Company in the said marks the Plaintiff Company has undertaken investigations and instituted legal proceedings which has led to huge costs to the Plaintiff Company, which the Plaintiff Company seeks to recover as legal costs. The Plaintiff further seeks to recover damages, punitive, nominal etc. for undue harassment, misrepresentation, misappropriation, dilution of the Plaintiffs trade marks namely trademark **Forme** and trademark **Forme** with its logo and wrongful invasion of right of property vested in Plaintiffs above stated marks.

21. Below is the break up of costs incurred by the Plaintiff Company in prosecuting the legal proceedings and investigations: **RETAINER TO LEGAL REPRESENTATIVE:** (a) Retainer to advocate for prosecuting the case in the High Court and the Intellectual Property Appellate Board amounting to Rupees 1,50,000/- (b) Senior Counsel fee for appearance on 30.5.2012 amounting to 1,68,540/-. (c) Fee for investigation for locating the Defendant at his given address at Rohini amounting to Rupees 19,500/- (d) Fee for service in all addresses including Bangalore and filing application for extension of time as per court orders dated 21.8.2013 and conferences with senior advocates amounting to 1,40,000/-. (e) Engagement **ALMT Legal** a Bangalore based law firm for effecting service in Bangalore, for engaging process server for effecting service at Bangalore, for travel and living expenses of staff of advocate for Plaintiff to oversee service at Bangalore - Rupees 57,255/- (f) Drafting, preparing and filing four rectification applications in the IPAB amounting to Rupees 1,21,500/- (g) Proceedings for attempting service by newspaper publications legal fee and cost of publication in newspapers amounting Rupees 94,200/- (h) Payment for newspaper publication of

Deccan herald as per Court order dated 2.1.2013 (attached) - Rupees 96,000/- (i) Payment for newspaper publication Sanjevani as per Court order dated 2.1.2013 - Rupees 2000/- (j) Fee for appearance of senior advocate (attached) - Rupees 1,83,000/- (k) Fee for investigation in karampura and Bangalore and fee for conducting search in Registry -Rupees 56,500/(l) Advocate fee- for appearances, drafting, evidence etc. amounting to Rupees 2,29,000/- (m) Payment to Cybex Exim Solution (P) Ltd. for collection of custom import data- Rupees 44,000. (n) Court fee in CS(OS) 1640/12 amounting to Rupees 21,900/- (o) 22. Total = Rupees 13,79,195/- It has further been deposed that the Plaintiff Company is entitled to damages for the wrongful invasion of right of property vested in Plaintiffs above stated marks and the Defendant is guilty of commercial dishonesty. The Plaintiff Company has spent approximately Rupees twenty lacs (Rs. 20,00,000/-) towards advertising its product in India as is clear from the invoices already placed on record. On the other hand, the Defendant has with the intention to deceive, adopted the marks of the Plaintiff Company using the same word *Forme*, in the same font and for the same purpose.

23. I have heard counsel for the plaintiff and carefully perused the documents which have been placed on record along with the affidavit by way of evidence which have been filed. The evidence of plaintiff has gone un-rebutted and unchallenged. Certificates for use in Legal Proceedings for the trademark *Forme* with its logo bearing registration No.1851572 and trademark *Forme* bearing registration No.1950481 have been exhibited as Ex. PW-1/4 and Ex. PW-1/5, respectively. An original carton of the Plaintiffs product bearing the trademark *FORME* along with the logo has been exhibited as Ex. PW-1/3. Photocopies of registration certificates granted in Hong Kong and Philippines have been marked as Mark B & C respectively. Original report of the Industrial and Commercial Investigator dated 20.3.2012 have been exhibited as Ex. PW-1/13. Certificates for use in Legal Proceedings of the Defendants trademark registrations have been exhibited as Ex. PW-1/14 and PW-1/15, respectively.

24. On the basis of the documents placed on record, the plaintiff has established that it is the owner of the trademark *Forme* (word) and *Forme* with its logo and the plaintiff has the exclusive right to use the same. Plaintiff has also established that

it has spent large amounts of money on advertisements, signing up of celebrities for endorsing brand *Forme* and also on getting jingles composed. Plaintiff has also established that it has expanded exponentially over a short period of time, i.e. from suffering loss in the year 2009 it climbed up to earning a net profit of USD16 Million in 2011. Plaintiff has also established that the trade mark *Forme* used for mobile phones is highly distinctive and is identified with plaintiff only. Plaintiff has also been able establish prior use of the trademark *Forme* along with trademark *Forme* with its logo on the basis of the documents placed on record. The mobile phones bearing the trademark *Forme* along with trademark *Forme* with its logo are being imported into India from China since September 2009 and the plaintiff itself entered the market in India for sale of phones in the year 2011. Plaintiff has also established that the defendant is guilty of passing off by adopting an identical mark as that of the plaintiff for similar goods and thus causing confusion as to the source of the goods and passing off his goods as that of the plaintiff. Furthermore, the defendant in a mala fide, dishonest and an unethical manner are encashing upon the goodwill and reputation of the plaintiff, established by the latter over the period of many years.

25. On the basis of the investigation conducted by the plaintiff and the reports placed on record, plaintiff has been able to establish that the defendant is not in use of the mark *Forme* and further the trademark application of defendant shows that the mark is registered as proposed to be used.

26. In the case of *South African Breweries International (Finance) B.V. and Anr Vs. Mohan Goldwater Breweries Ltd. & Anr* reported at 2011 (48) PTC380Del.), it was observed by this court:

20. Injunction can be sought not only in a case of actual use but also in a case of threatened use of a trademark. The owner of a trademark is well within his right in coming to the Court, for grant of an injunction, the moment he has a genuine apprehension that the defendant is likely to infringe his mark or to pass off his goods as those of the plaintiff. He need not necessarily wait till actual invasion of his rights and the law entitles him to take remedial action, well in time, whenever there is a reasonable threat of his right being invaded. In the case before this

Court, the plaintiff did have a valid cause of action to seek injunction since the defendants themselves gave a cease and desist notice to the plaintiff, with respect to use of the mark CASTLE.

[Emphasis Supplied].

27. It would also be useful to refer to Division Bench Judgments of this Court in the case of N.R. Dongre and Ors. v. Whirlpool Corporation and Ors. reported at AIR1995 Delhi 300 and Century Traders v. Roshan Lal Duggar & Co. and Ors. reported at AIR1978 Delhi 250. In N.R. Dongre's case (supra). In paragraph 29, it has been held that prior user prevails over subsequent registration:

29. Thus the right created by Section 28(1) of the Act in favour of a registered proprietor of a trade mark is not an absolute right and is subservient to other provisions of the Act namely Sections 27(2), 33 etc. Neither Section 28 nor any other provision of the Act bars an action for passing off by an anterior user of a trade mark against a registered user of the same. In other words registration of a trade mark does not provide a defence to the proceedings for passing off as under Section 27(2) of the Act a prior user of trade mark can maintain an action for passing off against any subsequent user of an identical trade mark including a registered user thereof. Again this right is not affected by Section 31 of the Act, under which the only presumption that follows from registration of a mark is its prima facie evidentiary value about its validity and nothing more. This presumption is not an un rebuttable one and can be displaced. Besides Section 31 is not immune to the over-riding effect of Section 27(2). The rights of action under Section 27(2) are not affected by Section 28(3) and Section 30(1)(d). Therefore, registration of a trade mark under the Act would be irrelevant in an action for passing off. Registration of a trade mark in fact does not confer any new right on the proprietor thereof than what already existed at common law without registration of the mark. The right of good will and reputation in a trade mark was recognized at common law even before it was subject of statutory law. Prior to codification of trade mark law there was no provision in India for registration of a trade mark. The right in a trade mark was acquired only by use thereof. This right has not been affected by the Act and is preserved and recognized by Sections

27(2) and 33.

[Emphasis Supplied].

28. In the case of Century Traders (supra), a Division Bench of this Court had also similarly held that prior user prevails over subsequent registration as under:

14. Thus, the law is pretty well settled that in order to succeed at this stage the appellant had to establish user of the aforesaid mark prior in point of time than the impugned user by the respondents. The registration of the said mark or similar mark prior in point of time to user by the appellant is irrelevant in an action for passing off and the mere presence of the mark in the register maintained by the trade mark registry did not prove its user by the persons in whose names the mark was registered and was irrelevant for the purposes of deciding the application for interim injunction unless evidence had been led or was available of user of the registered trade marks.

29. It is also apparent from the defendant's inaction not to contest the present proceedings that the defendant has only the trademark registration as his defence. However, it is clear that mere registration is no defence in the suit of passing off in view of observations of this Court in the case of Whirlpool (supra) and also does not establish its use in view of Century (supra). Accordingly, the defendants cannot rely on a trademark registration as a matter of defence to testify its use and no special equities can be claimed on the basis of mere factum of registration.

30. Having regard to the facts of the present case and the evidence placed on record, there is little room for doubt that the plaintiff is entitled to the reliefs claimed in the plaint and the action of the defendant is motivated with an intention to ride upon the goodwill and reputation of plaintiff.

31. It is also submitted that a clear cut case of passing off is established in view of dictum of Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd. reported at (2001) 5 SCC73 Relevant portion of the judgment is reproduced below: The Supreme Court held that in a passing off action for deciding the question of deceptive similarity the following facts had to be taken into consideration: a) The

nature of the marks i.e. whether the marks are word marks or label marks or composite marks, i.e. both words and label works. b) The degree of resemblance between the marks, phonetically similar and hence similar in idea. c) The nature of the goods in respect of which they are used as trade marks. d) The similarity in the nature, character and performance of the goods of the rival traders. e) The class of purchasers who are likely to buy the goods bearing the marks they require, on their education and intelligence and a degree of care they are likely to exercise in purchasing and/or using the goods. f) The mode of purchasing the goods or placing orders for the goods and g) Any other surrounding circumstances which may be relevant in the extent of dissimilarity between the competing marks.

32. In the present case, the mark in question is identical, the goods are identical, the class of purchasers and mode of purchase are the same. I am satisfied that the plaintiff will suffer incalculable harm and injury to its goodwill, reputation and business in general if the defendant is allowed to carry on their aforesaid illegal activities in complete disregard to the statutory and common law rights of the plaintiff.

33. The defendant has chosen not to contest the matter and thus the plaintiff is also entitled to the benefit of damages with a view to ensure that such litigants desist from indulging into such activities and they are not given benefit of the acts, which resulted to the loss to the plaintiff and absenting themselves from appearing in the court. It would be useful to refer to the judgment in the case of Time Incorporated v. Lokesh Srivastava and Anr., reported at 116 (2005) DLT599 wherein this Court has observed as under:

This Court has no hesitation on saying that the time has come when the Courts dealing actions for infringement of trade marks, copy rights, patents etc. should not only grant compensatory damages but award punitive damages also with a view to discourage and dishearten law breakers who indulge in violations with impunity out of lust for money so that they realize that in case they are caught, they would be liable not only to reimburse the aggrieved party but would be liable to pay punitive damages also, which may spell financial disaster for them.

34. Accordingly, the order dated 30.05.2012 is confirmed and the suit is decreed in favour of the plaintiff and against the defendant. Plaintiff is also entitled to damages to the tune of Rs.5.0 lacs.

35. Decree sheet be drawn up accordingly. I.A. No.23216/14 (under Order 5 Rule 20 CPC) 36. This application is disposed of. (G.S.SISTANI) JUDGE JULY10 2014
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