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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 92/2018 & CM APPL 17662/2018 & CM APPL
17663/2018

S VIJAYA BHASKAR & ORS

..... Appellants

Through Ms.Archana Sahadeva, Mr.Aditya
Jayaraj and Mr.Sajal Jain, Advocates.

versus

UBE INDUSTRIES LTD & ANR

..... Respondents

Through Mr.Darpan Wadhwa, Sr. Adv. with
Mr.Aditya Verma and Mr.Eva
Bishwal and Ms.Aditi, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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18.05.2018

On the first date of hearing this Court after considering the views of counsel for the parties advised the parties to explore possibility of an acceptable interim solution. It was stated by counsel for respondents that an acceptable form of disclaimer was noted but after some negotiations the appellant indicated its unwillingness.

The Court has considered submission of the parties. During the course of hearing it was submitted on the basis of instructions by counsel that if the appellant incorporate a suitable disclaimer such as *“This entity or company is not related to UBE Industries Limited Japan and UBE Industries India Private Limited”* in a suitable font or format dependent on the main description of appellant nos.2 to 6, the

interim injunction could be modified. It was also stated that in the event of parties face any difficulties with respect to working out such an arrangement (*vis-a-vis* the manner of depiction of the disclaimer) either of them could approach the Single judge. In view of the statement made by the parties, the appellants nos.2 to 6 are directed to incorporate the disclaimer whilst describing any other documents, development or depiction in any format whatsoever, where the corporate name is depicted, to the effect - *“This entity or company is not related to UBE Industries Limited Japan and UBE Industries India Private limited”* in a suitable font or format to be visible to the concerned readers/viewers. The impugned interim injunction is modified to the above extent. It is open to the parties to approach the learned Single Judge for appropriate directions to work out this order, according to the exigencies of the case.

The rights and contentions of the parties to urge all arguments and plead their case on merits in no manner shall be precluded by this order.

Appeal is disposed of in the above terms. Pending applications too are disposed of.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 18, 2018/ndn