

Dpmi Vocational Institute Private ... vs Delhi Paramedical Institute on 5 September, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 620/2023 and I.A. 17041/2023
DPMI VOCATIONAL INSTITUTE PRIVATE
LIMITED

Through: Mr. Ankit Jain, Mr.
Mr. Aditya Chauhan
Ali Fatima Advocate

versus

DELHI PARAMEDICAL INSTITUTE

Through: Mr. Vishal Sharan
Kush Agarwal, Advocate
7834897828).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 05.09.2023

1. This hearing has been done through hybrid mode. I.A. 17043/2023 (for exemption)
2. This is an application seeking exemption from filing originals/ certified/ fair typed copies of dim/ proper margin/ underline/ single line spacing of the annexures.
3. Original documents shall be produced at the time of admission/denial, if sought, strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
4. Exemption is allowed, subject to all just exceptions.
5. Accordingly, the application is disposed of.

I.A. 17044/2023 (for additional documents)

6. This is an application seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 16/09/2023 at 16:41:32 Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act'). The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

7. Application is disposed of.

I.A. 17042/2023 (u/S 12A of the Commercial Courts Act)

8. This is an application seeking exemption from instituting pre-litigation mediation. In view of the urgent orders which are being sought as also in view of the decision in Chandra Kishore Chaurasia v. R A Perfumery Works Private Ltd, 2022/DHC/004454, the application is allowed and disposed of.

I.A. 17041/2023 (u/O XXXIX Rules 1 & 2 CPC) and CS(COMM)

9. The present suit has been filed by the Plaintiff - DPMI Vocational Institute Pvt. Ltd. seeking protection of the mark 'DPMI'.

10. The Plaintiff's case is that it offers training education for paramedical courses and is also a training partner with the National Skill Development Corporation (hereinafter, 'NSDC'). The Plaintiff was incorporated in 2015 and has since then used the mark 'DPMI' for its educational services. The Plaintiff inter alia offers Paramedical Health Education, Hotel Management, Catering Technology, Tourism and Veterinary Sciences. The Plaintiff also claims to have more than 62 branches across the country, spread from Andaman & Nicobar Islands, Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttar Pradesh, to West Bengal.

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11. The students who are trained by the Plaintiff are stated to have been absorbed by various reputed organizations, including the health industry. Some of the students are also employees in well-known hospitals such as Medanta, Fortis, Dr. Lal Path Labs, Taj, JW Marriott, Radisson Blu etc. The Plaintiff claims that the Plaintiff's mark "DPMI" and logo is also registered since 2009 in Classes 41 and 16. The details of the registration are as under:-

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12. In the present case, the Plaintiff's grievance is that the Defendant is using the identical name "DPMI" along with an almost identical logo which is extracted below:

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13. Ld. Counsel for the Defendant, Mr. Vishal Sharan, has entered appearance on advance notice, and submits that he received instructions only yesterday and thus, prays for a week's time to file a reply to the present injunction application. He further highlights that the Plaintiff had filed a complaint with the SHO (Ashok Nagar, Delhi) in respect of Defendant's domain name <http://dpmiinstitute.com/> and had also filed a criminal complaint with the Court of Chief Metropolitan Magistrate, East, Karkardooma titled DPMI Vocational Institute Pvt. Ltd. vs. Delhi Paramedical Institute Etc. bearing no. CT Cases 1204/2022.

14. He thus submits that the Plaintiff has had knowledge of the Defendant's activity since 2022, and therefore, a week's time may be granted to the Defendant, as Mr. Vijay Kumar Singh-the promoter of the Defendant, is also hospitalised.

15. Heard. This Court is concerned with the fact that in an educational institution, any remote chance of confusion has to be avoided. However, considering the prayer made today, by the Ld. Counsel for the Defendant, it is deemed appropriate to give the Defendant one opportunity to address the Court next week to oppose the application for interim injunction. Let the Defendant file a short reply before the next date of hearing.

16. The Defendant shall also place on record by a short affidavit before the next date of hearing containing details of any admissions made by the Defendant during the past one year, and the money collected inter alia in the form of admission fee, if any, at the Sikandrabad establishment of the This is a digitally signed order.

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17. List on 19th September, 2023 in the supplementary list.

18. On the said date, the prayer for interim relief shall be considered by the Court.

PRATHIBA M. SINGH, J.

SEPTEMBER 5, 2023 mr/dn This is a digitally signed order.

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