

Metro Institutes of Medical Sciences P. Ltd. vs. M/s. Metro Hospital

TM No. 65/12

10.12.2012

Fresh suit is received. It be checked and registered.

Present: Mr. Sachin Gupta along with Mr. Siddhart Asthana, Counsel for plaintiff

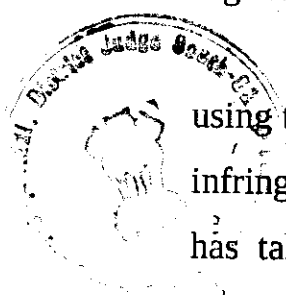
Summons in the suit and notice of the IA be issued to the defendant on filing of PF/ RC returnable on 15.02.2013.

At this stage, Ld. Counsel for the plaintiff has pressed his application u/o 39 Rule 1 and 2 CPC by submitting that plaintiff is the registered proprietor of trademark **METRO**, **METRO HEART INSTITUTE** and **METRO HOSPITAL** in class 42 in respect of medical services, pharmacy, health care, research institute etc.

Defendant is running a hospital in the name of Metro Hospital at Navi Mumbai. Plaintiff came to know about the use of trademark **METRO** by the defendant and plaintiff send a legal notice 12.07.2012 to the defendant restraining the use of trademark **METRO**. Defendant thereafter replied the legal notice dated 09.08.2012 rejecting the contents of the legal notice of the plaintiff. The contents of reply is that trademark of the defendant is not registered till date.

It is the case of the plaintiff that defendant is infringing its trademark by using the trademark/ trade name adopted by plaintiff and prima facie constitute infringement of registered trademark of the plaintiff. Ld. Counsel for plaintiff has taken me to the documents filed along with the plaint i.e. D-36, 37, 38, 39,

Cont...




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40, 41, 42, 43, 44, 45 & 46. These are the photocopies of the trademark of the plaintiff by the name of **METRO HEART INSTITUTE** and **METRO HOSPITAL** respectively in class 42 in medical sciences.

Upon facts and circumstances, defendant, its directors, partners or proprietor, as the case may be, assignees in business franchisees, licensees, distributors, dealers and agents from in any manner are hereby restrained till further orders from using **METRO**, **METRO HEART INSTITUTE** and **METRO HOSPITAL** trade name/ trademark or any other name which include the name **METRO** or any of its part.

Compliance u/o 39 rule 3 CPC be made within a week from today. Copy of this order be given dasti as prayed. **This ex-parte ad interim order will operate from the time it is served upon defendant and notice of the application.**


(NEELAM SINGH)
ADJ-02, SOUTH,
SAKET, NEW DELHI
10.12.2012/MC
Additional District Judge
South-02 New Delhi

Metro Hospital Site + Compliance

आर०पी०-54 / R.P-54

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*Strike out if not relevant

क्रमांक / No.	तारीख / Dated	का / Of
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*बीमे का मूल्य रुपये में M/s. Metro Hospital
*Insured for Rupees Plot No. 2A, Sector No. 36

पाने वाले
Addressed to Kamathe, Navi Mumbai

वितरण डाकघर की तारीख-मोहर
Date stamp of office of delivery

METRO HOSPITAL
Plot No. 2A, Sector - 36,
Navi Mumbai Road,
Navi Mumbai - 401009.

हस्ताक्षर और नाम / Signature
Ph. (022) 222233151

26/12/18



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