

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

M.A. No.124 of 2025

Date	Order with signature of the Judge
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Hearing / Priority.

1. For hearing of main case.
2. For hearing of CMA No.6582 of 2025.

14.04.2026

Mr. Muhammad Sohaib Sheikh, Advocate for the Appellant along with Mr. Sultan Ahmed Shaikh, Advocate.
Mr. Ayaz Ahmed Ansari, Advocate for Respondents No.1, 3 and 4.
Ms. Saira Shaikh, Advocate for Respondents No.2 and 5.

Heard all the learned Advocates for the Parties at length.

2. This Appeal is filed against the refusal to grant an injunctive relief in favour of the Appellant Company.

3. Learned Counsel for the Appellant states that the Trade Mark No.12207 is currently in use of the Appellant Company and Respondents No.2 and 5 under the garb of Composite Agreement for Toll Manufacturing and Agency dated 06.09.2017 (at page-305), cannot use, rather misuse, the Trade Mark on the pretext that the Parties to the said Agreement are also Directors in the Appellant Company. Has cited two Judgments reported in (i) **2015 CLD 655 [Sindh]** (*Muhammad Saleem Warind versus Mazhar and 2 others*) and (ii) **2005 CLD 822 [Karachi]** (*Rizwan Shahid versus Tariq Abdullah*).

4. Mr. Ayaz Ahmed Ansari, Advocate, representing the Respondents No.1, 3 and 4 has supported the contention of the Appellant.

Whereas, Ms. Saira Shaikh, Advocate, appearing for Respondents No.2 and 5 has opposed this Appeal by stating that the Partnership

Firm-Respondent No.1, viz. M/s. Shamim Akhtar, owned number of Marks relating to the “Stillman’s” Brand and she has referred to page-399 in support of her arguments.

5. The impugned Order is passed only in respect of Trade Mark No.12207 (at page-67) registered in Class-3 since 09.10.1950. As per the latest status, the present Proprietor is the Appellant Company. When the contesting Respondent is confronted with the last Paragraph of the impugned Order that the Respondents No.2 and 5 are not using the said Trade Mark, she has stated that since Composite Agreement (*supra*) has expired, therefore, the Respondent No.5 is not using the Trade Mark in question. When the same observation was made in the impugned Order, the injunction should not have been refused but rather granted only to the extent of Trade Mark No.12207, when it is also observed in the impugned Order that the Appellant Company has made out a *prima facie* case.

6. Consequently, this Appeal is accepted, by setting aside the impugned Order, but only to the extent of Trade Mark No.12207, for which the injunction is granted in favour of the Appellant till the disposal of the *Lis, sub judice* before the Tribunal.

7. It is expected that the entire Suit will be decided by the learned Tribunal within three months from today and once the evidence starts, no adjournment should be allowed to any Party.

JUDGE