ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Miscellaneous Appeal No. 154 of 2026

[Z&S Food & Dairy Industries (Pvt.) Ltd. v. Zara Tirmazi Trading]

Date: Order with signature of Judge

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1. For orders on CMA No. 8593/2026 (U/A)
2. For orders on office objection
3. For orders on CMA No. 8594/2026 (Ex/A)
4. For hearing of main case
5. For orders on CMA No. 8595/2026 (Stay)

04.11.2026

Mr. Ayaz Ali Chandio, Advocate for the Appellant.

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1. Urgency granted.

2. Overruled.

3. Exemption is granted subject to all just exception.

4-5. The learned counsel for the Appellant argued that vide the impugned order the Respondent has been granted stay due to which the Appellant shall suffer irreparable loss as their entire business will come to a standstill. He submitted that the logo and other packaging of the Appellant is different.

It is admitted that the Respondent has a registration certificate of the trademark “CLASSIC”, bearing Registration No. 603334 in Class-29, in respect of the whipped cream. It is also admitted that the Respondent is using its trademark “CLASSICO” also to sell whipped cream, whereas the Appellant applied for registration of its mark “CLASSICO” on 21.04.2026, claiming use since 2025. The learned counsel for the Appellant was not able to identify any evidence on the record to support the claim of use since 2025.

In view of the foregoing, the learned Tribunal has come to the correct conclusion that since the Respondent is a registered owner of the trademark “CLASSIC”, therefore, their *prima facie* title to the said trademark stands established. *Prima facie*, the Appellant's trademark “CLASSICO” appears to be deceptively similar, as the overall impression is the same. Therefore, the balance of convenience is in favour of the Respondent. On the other hand, there is no evidence on the record to establish that the Appellant has been using the mark since 2025 to support the contention of the learned counsel for the Appellant that their entire business would come to a standstill due to being restrained from using the said mark, as they have failed to establish any independent goodwill attached to the said trademark. Therefore, no illegality has been pointed out in the impugned order.

In view of the foregoing, instant appeal is dismissed in *limine*.

J U D G E