

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.275 of 2013

Order with signature of Judge(s)

1. For hearing of CMA No.2601/2013
2. For orders on CMA No.12046/2016

06.08.2018

None present for the plaintiffs
Mr. Jam Asif Mehmood, Advocate for Defendant No.1
Mr. Hassan Ali Shah, Advocate holds brief for Mr. Ghulam Haider Shaikh,
Advocate for Defendant No.2

Counsel for Defendant No.1 says that the Defendant No.1 is an Association representing TV and Radio broadcasters throughout the country and acts as clearing house, channeling money from advertisers to broadcasters. By referring to Para 11 of his counter, the counsel has drawn the Court's attention that at least thirteen suits are pending between parties of the suit, where ownerships of various trademarks are in dispute between them. Per counsel, while one set of alleged owners give instructions to place advertisements through Defendant No.1, the other set approaches Courts seeking restraintment against such placement and airing of advertisement, which exactly happens in the case at hand, where at Annexure-M when Defendant No.1 issued communication to its member to not to place any advertisement of Plaintiffs' trademarks, plaintiffs immediately approached this Court and sought suspension of the operation of the said email originated by the Defendant No.1. Per counsel, the Defendant No.1 is unnecessarily dragged into the controversy between the rival owners of the trademarks in question and he seeks protection from this Court as all acts done by him are purely on third parties' instructions and the said defendant has no any personal interest in the matter.

As this case had not come up for hearing subsequent to the last order dated 11.03.2013, where operation of email dated 01.03.2013 issued by the Defendant No.1 to its member was suspended. In the circumstances at hand

where it is right of every trademark and the goods sold thereunder to reach to intended consumers through all organs, therefore no restriction could be imposed from either party to place advertisement, thus no interference is mandated in the earlier order of this Court.

With intimation to the counsel for the plaintiffs, the matter is adjourned to 28.08.2018. Interim order passed on 11.03.2013 to continue till the next date of hearing.

JUDGE

Barkat Ali, PA