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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 19/2014
CHOICE HOTELS INTERNATIONAL, INC Plaintiff
Through : Ms. Kruttika Vijay, Mr. Kanak Bose
and Mr. Bhagwati Prasad, Advs.
versus

CHANGEZ JAMAL MULTANI Defendant
Through : Mr. N. Y. Shaikh, Adv. with
defendant in person.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **30.11.2015**

Defendant is present in court. He submits that he is the proprietor of 'Hotel Comfort Inn', 101-102, Lily Tower, R. B. Sharma Centre, S.V. Road, Jogeshwari West, Mumbai-400102. He was not aware of plaintiffs' trade marks 'COMFORT' and 'COMFORT INN'. He further submits that unaware of this fact, he had adopted the name 'HOTEL COMFORT INN' for running a guest house. He has now stopped using mark 'HOTEL COMFORT INN' for his business. He further submits that he has already removed the website www.hotelcomfort.in. He will remove the sign board of 'HOTEL COMFORT INN' within one week. He will also withdraw the application made by him with the trade mark Registry for registration of the mark 'HOTEL COMFORT INN'. He will not use 'COMFORT' and

‘COMFORT INN’ for his business in future nor will he make any fresh application with the Registry for registration of the said trade mark.

His statement on oath to the above effect has been recorded separately. Besides this, he has also placed on record written statement-cum-undertaking, duly attested by a Notary Public. Defendant shall remain bound by his statement made on oath in Court and also by his undertaking. Defendant has categorically stated that he has no objection if a decree is passed in terms of prayer clauses (i) to (iii).

In view of the above statement, learned counsel for the plaintiff submits that relief of damages is not pressed, for which she has already obtained instructions. Accordingly, a decree is passed in terms of prayer clauses (i) to (iii). All the other miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 30, 2015

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CS(OS) 19/2014

Statement of Mr. Changez Jamal Multani S/o Mr. Jamal Dawood Multani, aged about 49 years R/o C/41, Flower Queen SOC, Veera Desai Road, Andheri (West), Mumbai-58.

On SA

I am the proprietor of Hotel Comfort Inn, 101-102, Lily Tower, R. B. Sharma Centre, S.V. Road, Jogeshwari West, Mumbai-400102. I was not aware that plaintiff M/s. Choice Hotels International Inc. is proprietor of registered trade marks 'COMFORT' and 'COMFORT INN'. I was not aware that plaintiff was/is running the series of hotels in India and abroad under the trade marks 'COMFORT' and 'COMFORT INN'. I came to know about this fact only after receiving summons in this case. I had adopted the name 'HOTEL COMFORT INN' for my guest house being unaware of the registered trade mark of the plaintiff. I have now stopped using mark 'HOTEL COMFORT INN'. I have also stopped the website www.hotelcomfort.in. I will remove the sign board of 'HOTEL COMFORT INN' within one week. I will not use 'COMFORT' and 'COMFORT INN' for my business in future nor I will make any fresh application with the Registry for registration of the said trade mark. I will also make application with the trade mark Registry for withdrawal of my application for registration of 'HOTEL COMFORT INN'. I have also brought written statement cum undertaking duly attested by the Notary Public and same may be taken on record I have no objection if a decree is passed in terms of prayer clauses (i) to (iii). I have made the above statement voluntarily and without any force or coercion.

A.K. PATHAK, J.

**RO & AC
NOVEMBER 30, 2015**