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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 360/2014 & IA No. 7369/2014

CENTRAL PARK ESTATES PVT LTD & ANR Plaintiffs
Through Mr. Ajay Sahni & Mr. Ankit Sahni,
Advocates

versus

CITY LIFESPACES PVT LTD & ORS Defendants
Through Mr. Arun Sukhija & Mr. H.C.
Sukhija, Advocates along with Mr.
Vikas, Director of defendant Nos. 1 to
14.

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

ORDER
% **03.09.2015**

IA No. 18462/2014 (under Section 151 CPC)

Plaintiffs have filed this suit against the defendants for permanent injunction praying inter alia that the defendants be restrained from developing and marketing/selling of any housing and real estate projects under the trade mark 'BELLEVUE' (with or without any prefix or suffix). Vide ex-parte order dated 7th February, 2014, the defendants were restrained from using the trade mark 'BELLEVUE' or any other deceptively similar trade mark of the plaintiff in respect of any housing or real estate business.

Defendants have alleged that after coming known about the injunction order, the defendants have themselves stopped to use the trade mark 'BELLEVUE' one year ago. During the course of hearing, it is submitted that the defendants have changed the name of their trade name/trade mark 'BELLEVUE' to 'OXIRICH', inasmuch as had written letters to their customers in this regard. A copy of such letter has been placed on record. It is submitted that the advertisements were given by the defendants in the newspapers of their projects, under the mark 'OXIRICH'.

The material placed on record indicates that the defendants have already changed the name of their projects and are not using the trade mark 'BELLEVUE'.

Mr. Vikas Dua, director of the defendant No. 2 submits that mark 'BELLEVUE' has been removed from their website also. Learned counsel for the plaintiff submits that as on 4th August, 2015 also the mark 'BELLEVUE' appeared on the website of the defendant No. 2 in respect of their project. Mr. Vikas Dua, director of the defendant No. 2 reiterates that the impugned website was removed long ago but may have appeared through the link history. It is further submitted that if it is checked even today no material depicting 'BELLEVUE' in respect of defendants' project would be available.

Learned counsel for the plaintiff submits that the website was checked yesterday and no such page was found.

Learned counsel for the defendants, on instructions, submits that defendants are ready to suffer a decree in terms of prayer (a) and (b) of the plaint.

In view of this submission, other prayers have not been pressed by the plaintiffs.

Accordingly, the suit is decreed in terms of prayer 29 (a) & (b) of the plaint.

Suit is disposed of. Other miscellaneous applications are also disposed of as infructuous.

A.K. PATHAK, J

SEPTEMBER 03, 2015

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