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

+ CS(OS) 1203/2014

TI INFOTECH PVT LTD Plaintiff
Through: Mr. Karan Luthra, Advocate with
Mr. Anuj Malhotra, Advocate

versus

SUMIT NARANG & ORS Defendants
Through: Mr. Anil Sharma, Advocate with
Mr. Jai Karan Singh, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
03.11.2015

I.A. 7787/2014 (by the plaintiff u/O II Rule 2 CPC)

Allowed, subject to all just exceptions.

CS(OS) 1203/2014 and I.A. 7786/2014, 9070/2014

1. The plaintiff has instituted the present suit praying *inter alia* for a decree of permanent injunction against the defendants restraining them from using, marketing, selling, promoting, hosting the source code of the software "Travel Cloud suite" developed by the plaintiff company, in any form or manner.

2. Vide order dated 30.04.2014, summons were issued in the suit and simultaneously, an ex-parte ad interim injunction order was granted against the defendants restraining them from using,

marketing, selling, promoting, hosting and offering the source code of the software, "Travel Cloud suite" developed by the plaintiff company in any form or manner. The said order has been continuing to operate in favour of the plaintiff. In the meantime, the defendant has filed the written statement.

3. On the last date of hearing, counsel for the plaintiff had stated that the defendants have categorically stated in their written statement that they are not using any content of the plaintiff's software/domain name as alleged in the plaint and in view of the said averments, particularly paras 1 to 12 of the reply on merits, the suit may be decreed in terms of the interim order dated 30.04.2014.

4. On the last date of hearing, counsel for the defendants had sought time to obtain instructions from her clients. Today, counsel for the defendants states that he has no objection to the suit being decreed in terms of the interim order dated 30.04.2014. He clarifies that the defendants do not intend to use, market, sell, promote or host the source code of the software "Travel Cloud Suite" developed by the plaintiff. He further states that an affidavit on the aforesaid lines shall be filed within two weeks with a copy to the other side.

5. The defendants shall file their affidavits undertaking *inter alia* that they shall not use, market, sell, promote, host or offer the source

code of the software, "Travel Cloud Suite" developed by the plaintiff company, in any form or manner in the future, within two weeks with a copy to the other side.

6. In view of the aforesaid submission, the suit is decreed in terms of the order dated 30.04.2014 while leaving the parties to bear their own expenses. Decree sheet be drawn accordingly.

7. The suit is disposed of alongwith the pending applications.

HIMA KOHLI, J

NOVEMBER 03, 2015

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