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

+ CS(OS) 1961/2015 & IA No.1961/2015

PEPSICO INC & ANR Plaintiffs

Through : Mr. Dheeraj Nair, Advocate

versus

RUNA FOOD PRODUCTS & ORS Defendants

Through : None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 23.11.2015

1. The defendants No.1 to 3 have been duly served with summons in the suit. However, none is present on their behalf.
2. Counsel for the plaintiffs states that the defendants have directly contacted the plaintiffs, through counsel, and acknowledged the rights of the plaintiffs in the trademark/logo/packaging "KURKURE" along with the variants and have agreed not to challenge the said trademark or use the same in future. They have also agreed to destroy the packets/products bearing the mark 'KURKURI' seized by the Local Commissioner appointed by this Court, vide order dated 13.7.2015.
3. Counsel for the plaintiffs states that the undertaking on the aforesaid lines was made by the defendants to the plaintiffs as contained in the letter dated 5.11.2015, a copy whereof has been

enclosed with the plaintiffs' affidavit dated 19.11.2015 and marked as Annexure-P-1. In view of the undertakings and the assurances given by the defendants, as recorded in the letter dated 5.11.2015 addressed to the plaintiffs, counsel for the plaintiffs states on instructions that the plaintiffs wish to give up the relief of damages and requests that the suit may be disposed of.

5. Accordingly, the aforesaid affidavit and its enclosure are taken on record and the suit is disposed of, along with the pending application.

6. Needless to state that if the plaintiffs are aggrieved by any infringing activity of the defendants in the future, they shall be entitled to seek their remedies in accordance with law.

HIMA KOHLI, J

NOVEMBER 23, 2015

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