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

+ CS(OS) 2618/2015 & IAs No.18231-32/2015

M/S KISAN MOULDINGS LTD Plaintiff
Through : Mr. D.K. Yadav, Advocate

versus

M/S ADARSH PVC PIPES PVT LTD Defendant
Through : Ms. Nirmal, Advocate.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 07.10.2015

1. This order is in continuation of the orders dated 2.9.2015 and 24.9.2015.
2. On 2.9.2015, counsel for the defendant had entered appearance and stated on instructions that the defendant has stopped manufacturing the PVC pipes, flexible pipes, etc., and it has also stopped using the impugned trade name/label "KISSAN VERSHA" about three months ago. She had further stated that the defendant is taking steps to withdraw its pending application for registration of the trade name, "KISSAN VERSHA".
3. In view of the aforesaid submission, the defendant was directed to file an affidavit, through a competent officer, placing on the above lines and file proof of applying to the Trademark Registry for

withdrawal of its application for registration of the trade name "KISSAN VERSHA" or any other mark which is identical/deceptively similar to the plaintiff's trademark/trade name "KISAN".

4. Now, an affidavit dated 3.10.2015 has been filed by the defendant, wherein it has acknowledged that the plaintiff is the sole and exclusive owner of the trademark "KISAN", as detailed in para 3 of the affidavit. The defendant has undertaken to refrain from using the plaintiff's registered trademark "KISAN". It has been stated that the defendant has stopped manufacturing any goods under the trademark "KISAN" for the past four months. Further undertakings have been given by the defendant in para 6 of the affidavit. In para 7, the defendant has stated that it has applied to the Trademark Registry for withdrawal of the marks "KISSAN VERSHA" and "KISSAN DHARA" in different classes and has undertaken not to file any further applications for registration of the mark "KISAN" or any trademark, that is identical/deceptively similar to the plaintiff's registered trademark/trade name "KISAN".

5. Counsel for the plaintiff states that he has received a copy of the affidavit and his client is satisfied with the same. He requests that the suit may be decreed in terms of the said affidavit.

6. Accordingly, the affidavit filed by the defendant is taken on record. The defendant shall remain bound by the undertakings given in the aforesaid affidavit. As counsel for the defendant states that the defendant has stopped manufacturing any goods under the trademark "KISAN", they are directed to exhaust their inventories, if any, within one month from today and give a written intimation to the said effect to the plaintiff within two weeks thereafter.

7. The suit is decreed in terms of the affidavit filed by the defendant. Decree sheet be drawn accordingly.

8. The suit is disposed of along with the pending application.

File be consigned to the record room.

OCTOBER 07, 2015

sk/ap

HIMA KOHLI, J