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

+ CS(OS) No.2099/2002

GENESIS COLORS (P) LTD.

..... Plaintiff

Through: Mr. Pravin Anand & Mr. Aditya
Gupta, Advs.

Versus

JAGDISH PRASAD & ORS.

..... Defendants

Through: Mr. Jayant K. Mehta with Mr. N. Raja
& Mr. Abhijeet Shrivastava, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.11.2016

1. This order is in continuation of the earlier orders dated 9th August, 2016 and 30th August, 2016.
2. The suit is disposed of on the following terms.
3. The plaintiff has instituted this suit for permanent injunction to restrain the four defendants Shri Jagdish Prasad, M/s. J.R. Prints, Shri Neeraj Jain and Shri Rajiv Rastogi from re-producing, printing, publishing, distributing, selling or offering for sale prints in any form whatsoever that are colourable imitation or substantial reproduction of the plaintiff's fabric prints including the underlying drawings/sketches of the prints enumerated in Annexures A, B and D to the plaint amounting to infringement of plaintiff's copyright, and for ancillary reliefs.
4. The defendants *inter alia* denied that the plaintiff has copyright in the prints enumerated in Annexures A, B and D to the plaint and further denied that their prints are a colourable imitation or a substantial re-production of the prints enumerated in Annexures A, B and D to the plaint and states that

they have no intention to re-produce, print, publish, distribute, sell or offer for sale prints as enumerated in Annexures A, B and D to the plaint or any colourable imitation thereto.

5. In the aforesaid circumstances, need to decide the suit on merits, though evidence is complete, is not felt and it is felt that the suit can be disposed of recording the statement aforesaid of the defendants and binding the defendants to their statement.

6. It is further ordered that neither party will publish or disclose this order or the order dated 9th August, 2016 to any other person and neither the defendants will claim that the suit of the plaintiff has been defeated nor the plaintiff will claim that the defendants have suffered a decree or were found to be in infringement, except in a legal proceeding which may be filed by the plaintiff against the defendants or by the defendants against the plaintiffs.

7. The plaintiff shall however be entitled to avail remedies if claims the defendants to be in violation of the statement given today and in which proceedings all defences as available in law and as taken in the written statement in the present suit and as are available in law today will be available to the defendants.

8. The parties are left to bear their own costs.

9. Decree sheet be drawn up.

10. This order to form part of the decree sheet.

RAJIV SAHAI ENDLAW, J

NOVEMBER 17, 2016

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