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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 247/2009
M/S ALLIED BLENDERS AND DISTILLERS PVT.LTD.

..... Plaintiff

Through: Mr. Rajiv Nayar, Sr. Adv. with Mr.
 Sanjay S. Chhabra, Mr. Shrawan
 Chopra and Ms. Abhilasha,
 Advocates.

versus

M/S SENTINI BIO PRODUCTS PVT. LTD. & ANR.

..... Defendants

Through: Mr. Saurabh Gupta and Mr. Gagan
 Gupta, Advocates.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

% **ORDER**
 19.05.2016

I.A.No.4503/2016(U/o 23 Rule 3 CPC by parties)

1. This is a joint application filed by the plaintiff and defendant no.1 under Order 23 Rule 3 CPC. The application is signed on behalf of the plaintiff and defendant no.1 as also by their counsels. The application is supported by the affidavits of the parties. Accordingly, the suit will stand

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disposed of as per terms recorded in this application and which will form part of the decree.

2. So far as defendant no. 2 is concerned, the case of the plaintiff was that defendant no.2 is also guilty of infringement with respect to the trademark of the plaintiff 'Officer's Choice' and label 'Officer's Special'. Defendant no.2 in its written statement filed in paras 4 and 5 of internal page 2 states that defendant no.2 claims no rights to the trademark 'Officer's Choice' and defendant no.2 was only using the trademark 'Officer's Choice' and the label 'Officer's Special' as it was manufacturing IMFL on behalf of defendant no.1, i.e defendant no.2 claims no independent rights to the trademark 'Officer's Choice' or the label 'Officer's Special'.

3. Accordingly, the suit is decreed against defendant no.2 restraining the defendant no.2 from in any manner using the trademark 'Officer's Choice' or the label 'Officer's Special' of the plaintiff. It is noted that plaintiff has not pressed for recovery of damages both against defendant nos.1 and 2.

4. Application is allowed and the suit is disposed of accordingly. Decree sheet be drawn up accordingly. Parties are left to bear their own costs.

VALMIKI J. MEHTA, J

MAY 19, 2016
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