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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1049/2008 & IA No.6697/2008 (u/O 39 R-1&2 CPC)**
L'OREAL Plaintiff

Through: Mr. Pankaj Kumar, Mr. Ajay
Amitabh Suman, Mr. Vinay Shukla &
Mr. Rahul Sharma, Advs.

Versus

AHMED & ANOTHER Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **01.12.2016**

1. This suit was originally filed by M/s Laboratoire Garnier & CIE against Mr. Ahmed and Mr. Ali Haider, both at Kolkata, for permanent injunction to restrain the defendants from infringing the trade mark "GARNIER" of the plaintiff and from passing off the defendants' goods as those of the plaintiff and for ancillary reliefs.
2. The suit was entertained and vide *ex parte* ad-interim order dated 28th May, 2008, the defendants were restrained from manufacturing or selling any products or in any manner displaying or seeking to pass off their goods or in any manner dealing with the trade mark "GARNIER".
3. A Commissioner was also appointed to visit the premises of the defendants.
4. During the pendency of the suit, the plaintiff M/s Laboratoire Garnier & CIE moved an application being IA No.24060/2014 under Order XXII Rule 10 of the CPC pleading that M/s Laboratoire Garnier & CIE along with its assets was acquired by M/s L'Oreal and which application was allowed and M/s L'Oreal substituted in place of M/s Laboratoire Garnier & CIE.

5. The counsel for the plaintiff states that the Commissioner appointed filed a report of seizure of counterfeit goods bearing the trade mark of the plaintiff from the premises of both the defendants.
 6. The defendants were ordered to be served by substituted service and were so served and failed to appear and were vide order dated 9th July, 2010 proceeded against *ex parte*.
 7. The plaintiff has led its *ex parte* evidence.
 8. I have perused the pleadings and the evidence led by the plaintiff which remain unrebutted and find the plaintiff to have made out a case for grant of the relief of permanent injunction as claimed.
 9. The Court Commissioner has reported seizure of counterfeit goods from the premises of the plaintiff.
 10. I deem it appropriate to award damages in the sum of Rs.2.5 lacs to the plaintiff against each of the defendants.
 11. A decree is accordingly passed in favour of the plaintiff and against the defendants in terms of prayer paragraph 36(a) of the plaint.
 12. A decree is also passed in favour of the plaintiff and against the defendants for recovery of damages in the sum of Rs.2.5 lacs from each of the defendants.
 13. The plaintiff shall also be entitled to costs of the suit jointly and severally from the two defendants.
 14. Counsel's fee assessed at Rs.1 lacs.
- Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

DECEMBER 01, 2016/‘gsr’..

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