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

+ CS(COMM) 442/2016

QUANTUM PAGE PVT LTD & ANR Plaintiffs

Through Mr. Pravin Anand, Mr. Raunaq Kamath
and Ms. Anjana Ahluwalia, Advocates

versus

ENGINEERS QUANTUM PUBLICATIONS & ANR Defendants

Through Mr. Rakesh C. Agarwal, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **04.11.2016**

Plaintiffs have filed the present suit for permanent injunction restraining infringement of trade mark, passing off, delivery up, damages, rendition of accounts, etc.

Plaintiff is stated to have commenced their business initially with the launch of two books, viz, 'Quantum Series Electronics and Communication' and 'Quantum Series Computer Science/Information Technology' in 2005. The plaint discloses the manner in which the business of the plaintiffs grew and resulted in rapid expansion of publication of Quantum books in relation to various subjects. Sale figures, amounts spent on advertisement etc. have also been detailed in the plaint.

It is the complaint of the plaintiffs that the defendants have violated the registered trade mark of QUANTUM PUBLICATIONS by publishing books by suing the words QUANTUM and by keeping the essential features of the trade mark of the plaintiffs, the present suit was filed. Interim order was granted.

Today, defendant no.2 Pradeep Sharma, who is the proprietor of defendant no.1, is present in Court. Mr. Agarwal submits that the defendants have not been properly described in the plaint. Pradeep Sharma is the sole proprietor of Engineers Quantum Publications and defendant no.3 Mrs. Vinita

Sharma is the wife of Pradeep Sharma and not a partner. Mr. Sharma, who is present in Court and duly identified by his counsel submits that he is duly authorised to enter into an amicable settlement with the plaintiff on behalf of all the defendants. Mr. Sharma submits that he has no objection if the interim order is confirmed and the suit is decreed, provided the plaintiffs give up the relief of rendition of accounts and damages. Mr. Anand, learned counsel for the plaintiffs submits that some symbolic cost should be imposed upon the defendants.

Accordingly, the present suit is decreed in terms of prayers 31(a) (b) and (c). The defendants will pay a cost of damages of Rs.20,000/- as agreed to the plaintiffs. Mr. Anand submits that the plaintiffs would in turn pay the cost to the Delhi High Court Library Fund to enable the Library to purchase text books. The amount of cost will be paid within three months, as agreed.

The plaintiffs have no objection to the defendants selling and publishing books with the trade mark ENGINEER'S SERIES. Accordingly, the defendants would be free to publish their books known as ENGINEER'S SERIES.

The Court appreciates the efforts put in by the counsel, the parties for early resolution of the matter. Decree sheet be drawn up accordingly.

IAs.19888/2015, 22797/2015, 23029/2015, 23386-387/2015, 2524/2016, 3005/2016 and 9435/2016 also stand disposed of.

G.S.SISTANI, J

NOVEMBER 04, 2016

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