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

+ CS(OS) 732/2015 & IAs No.5581/2015 (u/O 39 R-1&2 CPC),
13333/2015 (of D-7 u/O 7 R-11 CPC) & 14638/2015 (of D-9 u/O 7
R-11 CPC)

HERMES INTERNATIONAL & ANR Plaintiffs

Through: Mr. Kshitij Parashar, Adv.

Versus

SURINDER RAJ SINGH & ORS Defendants

Through: Mr. Sanjeev Singh, Adv. for D-7.

Mr. S.S. Oberoi, Adv. for R-8.

Mr. Saurav Bhasin, Adv. for D-9.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.08.2016

1. The two plaintiffs, Hermes International and Hermes Sellier, have instituted this suit to restrain defendants No.1 to 15 from infringing the trademark 'HERMES' of the plaintiffs and for ancillary reliefs.
2. The suit was entertained and vide *ex-parte* ad-interim order dated 18th March, 2015 the defendants so restrained. The said order has continued in force.
3. The counsel for the plaintiffs states that the plaintiffs have already settled with the defendants No.1 to 6 and 10, 11, 13 & 15 and the suit against the said defendants does not survive. It is further stated that defendants No.12 & 14 have failed to appear despite service but there is no formal order till now proceeding *ex-parte* against them.

4. The defendant No.7 has filed application being IA No.13333/2015 under Order VII Rule 11 of Code of Civil Procedure, 1908 (CPC) contending that it is not dealing in the infringing goods and is in fact not in the business of leather goods. The same is the position of defendant No.9 which has also filed IA No.14638/2015.

5. The counsel for the defendant No.8 also states that it is not dealing in any infringing goods and no infringing goods was found by the Court Commissioner at the premises of the defendant No.8.

6. On enquiry, the counsel for the defendant No.7 M/s Apple states that M/s. Apple is a sole proprietary of Mr. Kamal Nasa son of Mr. Shanwal Ram Nasa and his residential address is House No.41/1448, DDA Flat, Madangir, New Delhi and the counsel for the defendant No.9 M/s New Choice Handloom House states that defendant No.9 is the sole proprietary of Mr. Neepansh Valecha son of Mr. D.K. Valecha and his residential address is House No.7/202, Single Story, Ramesh Nagar, New Delhi.

7. In this view of the matter, it is not deemed necessary to keep this suit pending any further. The suit, insofar as against the defendants No.7 to 9 and defendants No.12&14 is decreed for the relief of injunction as claimed in para 53(a) to (c) of the plaint.

8. The counsel for the plaintiffs in view of the aforesaid does not press for the ancillary reliefs claimed in the suit.

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

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

AUGUST 01, 2016/bs..
CS(OS) 732/2015

Page 2 of 2