

\$~16

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

+ **CS(OS) 808/2015**

TOMMY HILFIGER LICENSING B.V. Plaintiff

Through: Mr. S.K. Bansal, Mr. Pran Krishna
Jana, Mr. Amit Chanchal Jha and Mr.
Vinay Shukla, Advs.

Versus

AMIT DUGGAL & ANR Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

12.07.2016

1. The plaintiff has sued for injunction restraining the two defendants Mr. Amit Duggal and Mr. S.K. Duggal located at Ludhiana, Punjab from infringing the registered trademark / label TOMMY HILFIGER, TOMMY, HILFIGER, HILFIGER DENIM, TOMMY GIRL and the FLAG Logo of the plaintiff and from passing off their goods as that of the plaintiff and for ancillary reliefs.

2. Summons of the suit were issued and vide *ex-parte* ad-interim order dated 20th May, 2015 the defendants restrained from manufacturing, distributing, supplying or selling their products using the plaintiff's registered trademarks aforesaid or any other mark identical or deceptively similar to the aforesaid trademarks of the plaintiff. A Court Commissioner was also appointed to visit the premises of the defendants and to seize the infringing goods.

3. The Commissioner has reported that the infringing goods were seized by the Police in pursuance to a First Information Report (FIR) lodged by the

plaintiff and that defendants claimed that they were not maintaining any books of accounts.

4. The defendants failed to appear before this Court despite service and were vide order dated 3rd November, 2015 proceeded against *ex-parte* and the ad-interim order was made absolute.

5. The plaintiff has led its *ex-parte* evidence.

6. On going through the *ex-parte* evidence of the plaintiff including the documents proved by the plaintiff, I am satisfied that a case for decreeing the suit for the relief of injunctions as claimed is made out.

7. The counsel for the plaintiff relies on ***Sholay Media And Entertainment Pvt. Ltd. Vs. Parag Sanghavi*** 2015 (64) PTC 546 (Del) on the aspect of damages.

8. Even otherwise, the plaintiff has made out a case for award of damages in the sum of Rs.5 lakhs recoverable jointly and severally from the two defendants.

9. Accordingly, the suit is decreed (i) for the relief of injunction in terms of para 35(a) and (b) of the plaint; (ii) for the relief of recovery of damages in the sum of Rs.5 lakhs jointly and severally from the two defendants; and (iii) for the relief of costs of this suit; counsels fee assessed at Rs.25,000/-.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

JULY 12, 2016

bs..