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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) No.562/2016**
WESTERN DIGITAL TECHNOLOGIES INC & ANR Plaintiffs
Through: Ms. Shwetashree Majumder and Ms.
Tanya Varma, Advs.

versus

RAJESH VERMA & ANR Defendants
Through: Ms. Gunjan Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.08.2016

IA No.9353/2016 (of the plaintiffs and defendants under Order 23 Rule 3 of the CPC).

1. The two plaintiffs namely Western Digital Technologies, Inc. and Western Digital UK Ltd. instituted the present suit to restrain the defendants namely Mr. Rajesh Verma and Ahora IT Mart LLP from infringing the trademark 'WESTERN DIGITAL,  and or 'WD' of the plaintiffs and for ancillary reliefs.

2. Summons of the suit and notice of the application were issued and vide *ex parte ad interim* order dated 17th May, 2016 the defendants were restrained from selling any hard drives without taking a certificate from the plaintiffs and/or from selling the hard drives which had been pulled up from the old machines and after cleaning up the data, refurbishing and re-packing the same; two Court Commissioners were also appointed to visit the office of the Custom Authorities in Mumbai and the premises of the defendants.

3. The counsel for the plaintiffs and the counsel for both the defendants support the application. They state that the application is signed by the duly authorised representative of the plaintiffs and by the defendant no.1 for himself and on behalf of the defendant no.2 and is also supported by the affidavits of the said persons. It is also stated that the defendant no.1 is present in Court.
4. I have perused the contents of the application.
5. The compromise/settlement arrived at between the parties is found to be lawful.
6. The application is allowed.
7. The undertaking as contained therein of the defendant no.1 is accepted and the defendant no.1 is ordered to be bound thereby. The defendant no.1 present in Court is also cautioned about the consequences of breach of undertaking given to the Court.
8. The suit is decreed in terms of the compromise application which shall form part of the decree.
9. Decree sheet be prepared.
10. The date of 9th August, 2016 before the Joint Registrar is cancelled.

RAJIV SAHAI ENDLAW, J

AUGUST 04, 2016

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