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

+ CS(COMM) No.574/2016

THE RITZ-CARLTON HOTEL COMPANY

LLC & ANR

..... Plaintiffs

Through: Mr. Pravin Anand and Mr. Siddhant
Chamola, Advs.

Versus

RAM KISHOR ARORA & ANR

..... Defendants

Through: Mr. Keshav Mohan, Mr. Rishi K.
Awasthi and Ms. Yukti Anand, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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03.08.2016

IA No.9307/2016 (of both the defendants for condonation of 23 days delay in filing the written statement.

1. Allowed.
2. The application is disposed of.

IA No.6283/2016 (u/O 11 R-1 (4) of the CPC).

3. This application is infructuous and is disposed of.

CS(COMM) 574/2016 & IA No.6282/2016 (u/o 39 R-1&2 CPC).

4. Written statement of the defendants is taken on record.
5. The two plaintiffs namely The Ritz-Carlton Hotel Company L.L.C. and Ritz Hotels Limited have sued for permanent injunction to restrain Shri Ram Kishor Arora and Supertech Limited from using the trademark 'RITZ' of the plaintiffs.
6. The counsel for the defendants fairly states that though the defendants have filed a detailed written statement and as per contentions wherein the

plaintiffs are not entitled to seek the relief claimed but the defendants, so as not to indulge in unnecessary litigation, are willing to stop use of the word 'RITZ'. It is stated that the defendants are in the business of developer of real estate and the word 'RITZ' has been used in conjunction with 'CHATEAUX' to describe/classify Super Luxurious Villas in the Cape Town Project of the defendants under development at Sector 74, Noida.

7. On enquiry it is stated that the defendants have not used the word 'RITZ' in relation to any other project till now.

8. The counsel for the plaintiffs states that if the defendants stop using the word 'RITZ', the plaintiffs shall not press for the ancillary reliefs claimed in the suit.

9. Accordingly, the suit is decreed by passing a decree for permanent injunction in favour of the plaintiffs and against the defendants, restraining the defendants from using the word 'RITZ' as a trademark or as a trade name or to describe any real estate, whether alone or in conjunction with any other words.

10. However the aforesaid injunction shall come into force w.e.f. 3rd September, 2016 and during which time the defendants shall take steps for removing the said word from wherever it is being presently used.

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

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

AUGUST 03, 2016

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