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

+ **CS(COMM) 598/2016**

HETTICH MARKETING-UND VERTRIEBS

GMBH & CO & ANR

..... Plaintiffs

Through: Ms. Rajeshwari H. & Ms. Aparna
Gaur, Advs.

Versus

UDAY KAMATH & ORS

..... Defendants

Through: Mr. Kawin Gulati, Sr. Adv. with Mr.
Rohit, Ms. Vasudha & Mr. Avi
Tandon, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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08.08.2016

IA No.9507/2016 (of the defendants no.1 to 3 under Order XXXIX Rule 4 CPC)

1. The counsel for the plaintiffs appears on advance notice.
2. The senior counsel for the defendants states that the defendants are ready to suffer a permanent injunction in terms of prayer paragraph 30(a).
3. The counsel for the plaintiffs states that the plaintiffs would then not press for the other reliefs claimed except for cost.
4. However the defendants, even before the first date of hearing having agreed to suffer injunction, I am of the view that no case for awarding of cost is made out. Moreover, it is the contention of the senior counsel for the defendants that the defendants in response to the notice preceding the suit also had stated that they are willing to make changes.

5. The counsel for the plaintiffs also confirms that the defendants have already recalled the infringing brochure.

6. In view of the aforesaid, the suit is decreed in terms of prayer para 30(a) of the plaint, leaving the parties to bear their own costs.

Decree sheet be prepared.

7. The date of 12th August, 2016 before the Joint Registrar is cancelled.

RAJIV SAHAI ENDLAW, J

AUGUST 08, 2016

‘gsr’