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

+ **CS(COMM) 583/2016 & I.A. Nos. 23160/2015, 2744, 8299/2016**

M/S. SUPERON SCHWEISSTECHNIK INDIA LIMITED Plaintiff

Through: Mr. Sanjeev Singh, Advocate.

versus

M/S. APS ADVERT INTERNATIONAL PVT. LTD. Defendant

Through: Mr. Sarfaraz Khan with Mr. Ataur
Rahman, Advocates with Mr. Tarun
Jindal, Director in person.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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08.09.2016

1. The Director of the Defendant is present in Court and is willing to give a statement and the same has been recorded and is placed below the order and will be part of the order.
2. In view of the statement made by the Defendant the plaintiff does not press for any other relief except prayer (a). Accordingly, the suit is decreed in terms of prayer (a). Decree sheet be drawn up accordingly.
3. In view of the above statement, the Plaintiff does not press for any other relief.
4. The cost of Rs.10,000/- will be paid by the Defendants. At the request of

learned counsel for the Plaintiff this cost be paid to Delhi High Court Legal Services Committee, New Delhi within a period of four weeks and proof thereof be placed on record.

5. The Defendant is bound by the undertaking given in the Court. If there is any violation of the undertaking, the Defendant shall be liable to be proceeded for disobedience of the Court's order.

6. The suit and pending applications are disposed of.

S.MURALIDHAR, J

SEPTEMBER 08, 2016

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8th September, 2016

CS (COMM) 583/2016

Statement of Shri Tarun Jindal, S/o. Late Shri Dinesh Jindal, Aged about 24 years, R/o. D-659, Saraswati Vihar, Delhi - 110034

ON S.A.

I am the Director of the Defendant and am authorised to make this statement on behalf of the Defendant. I have brought to the court today the packaging used by Defendant for marketing its welding electrode. The copy of the said packaging is identified as Exhibit A-1.

I undertake that it will change the colour of the above packaging i.e. Exhibit A-1 from the present colour to another colour which will not be any shade of orange and red and will not in any way be similar or close to the colour used by the Plaintiff to market its product welding electrodes under the name "SUPERON" (Exhibit A-2). I further undertake that the Defendant will not change the letter size or the design of the packaging in a manner similar to the letters used and the design of the Plaintiff's packaging. I further undertake that the Defendant will not adopt any swirl on the name of the Defendant's product i.e. "PREMIUM GOLD". As far as the side flap is concerned the Defendant will not use the words "VAC-PAC". Instead the Defendant will use the word "VACUUM PACK".

I undertake to phase out the existing stocks as the Ex. A-1 packaging within a period of eight weeks from today. In other words, on the expiry of

8 weeks from today there will not be any product of the Defendant in the packaging in Exhibit A-1. The product of the Defendant will be marketed in a packaging in terms of the undertaking given by me in the Court.

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S.MURALIDHAR, J