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

+ **CS(COMM) No.716/2016**

GROHE AG & ANR

..... Plaintiffs

Through: Mr. Pravin Anand, Mr. Aditya Gupta
and Mr. Utkarsh Srivastava, Advs.

versus

KOHLER CO & ANR

..... Defendants

Through: Mr. Rahul Beruar, Mr. Nasser Kabir
and Ms. Jyotsana Sinha, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **24.10.2016**

IA No.7304/2016 (of the plaintiffs under Order XXXIX Rules 1&2 CPC).

1. This order is in continuation of the earlier order dated 4th October, 2016.
2. The counsels state that the representatives of the respective parties are present in court.
3. The counsel for both the defendants state that subject to it being clarified that the photographs referred to in prayer paragraph 26(i) of the plaint are photographs at page 3 to 97 of the plaintiffs' documents, the defendants have no objection to a decree in terms of the said prayer paragraph being passed against the defendants as the defendants have not done anything contrary to law and do not want any unnecessary litigation.
4. The counsel for the defendants further states that the defendants are willing to make a statement that the defendants in their future advertisement also will not disparage the goods of the plaintiffs with the word disparage being understood as laid down by the courts in various judgments.

He otherwise states that the defendants would be entitled to carry out comparative advertising as may be permitted in law and contains in various judgments of the courts from time to time.

5. The aforesaid is agreeable to the counsel for the plaintiffs and states that in the light of the aforesaid he gives up the other reliefs including of claim for costs and damages.

6. Accordingly, this suit is decreed in terms of order dated 4th October, 2016 and today's order read with the documents/pleadings referred to therein and leaving the parties to bear their own costs.

7. Decree sheet be prepared

8. The parties further agree that they will not communicate or publish this order in the media, including print and visual media. The plaintiffs will however be entitled to inform their dealers and customers about their stand on or response to the statements made by the defendants without reference to the Court order.

RAJIV SAHAI ENDLAW, J

OCTOBER 24, 2016

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