

\$~20.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.879/2016 & IA No.8581/2016 (u/O 8 R-10 CPC).
GETIT INFOSERVICES PVT LTD Plaintiff
Through: Mr. Shashi P. Ojha, Adv.
versus

ASKMEDEAL.IN ONLINE STORE & ANR Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **22.07.2016**

1. The plaintiff has instituted the present suit for permanent injunction restraining the two defendants namely Askmedeal.in online store and Webiq Domains Solutions Pvt. Ltd. from using the domain name/website 'ASK ME DEAL' and www.AskMeDeal.in or any mark/domain name identical with or deceptively similar to the plaintiff's registered trademark 'ASK ME'.
2. The suit was entertained and vide *ex parte ad interim* order dated 2nd July, 2015 the defendant no.1 was restrained from using the trademark/domain name/website 'Ask Me Deal' and www.AskMeDeal.in or any other mark/domain name identical with or deceptively similar to the plaintiff's trademark 'ASK ME'. The defendant no.2 was also restrained from permitting transfer of the impugned domain name www.AskMeDeal.com in favour of any third party.
3. Though the counsel appeared for the defendant no.1 on 17th November, 2015 but on subsequent dates none appeared for the defendant no.1. None appeared for the defendant no.2 also despite service. Accordingly, vide order dated 29th February, 2016 the defendants were

proceeded against *ex parte* and the plaintiff ordered to lead *ex parte* evidence.

4. Though the plaintiff filed affidavit by way of examination-in-chief of its witness but subsequently did not examine the said witness.

5. The counsel for the plaintiff states that the plaintiff is not pressing for the ancillary reliefs and is seeking only the reliefs sought in para 30 (a), (b) and (d) of the plaint and the suit be decreed following the procedure as laid down in (i) *S. Oliver Bernd Freier GMBH & Co. KG Vs. Jaikara Apparels* 2014 (59) PTC 334 (Del.); (ii) *Hard Rock Ltd. Vs. Hard Rock Beach Shack/Resort* 2014 (59) PTC 285 (Del.); (iii) *United Coffee House Vs. Rahav Kalra* 2013 (55) PTC 414 (Del.); and, (iv) *Indian Performing Right Society Ltd. Vs. Gauhati Town Club* 2014(58) PTC 58 (Del.)

6. I have perused the documents and the pleadings which remain unrebuted.

7. The plaintiff has made out a case for grant of the reliefs to which the suit is confined.

8. Accordingly, a decree is passed in favour of the plaintiff and against the defendants in terms of para 30 (a), (b) & (d) of the plaint and leaving the parties to bear their own costs.

Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

JULY 22, 2016

‘pp’ ..