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

+ **CS(OS) 1173/2015**

AEGON N V & ANR Plaintiffs

Through: **Mr. N. Ganpathy & Mr. Manpreet
Lamba, Advocates.**

versus

AEGON INFRASTRUCTURE LIMITED & ORS Defendants

Through:

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI**

ORDER
08.03.2016

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I.A. No.3114/2016

This application has been moved by the plaintiffs under Order XXIII Rule 1 read with Rule 3 CPC to seek leave to withdraw the suit with liberty to approach the Court in case the need arises once again.

The case of the plaintiffs is that the plaintiffs have filed the suit alleging infringement of the plaintiffs' trade mark by the three defendants. This Court vide order dated 29.04.2015 granted an ex-parte ad interim order of injunction in favour of the plaintiffs and against the defendants restraining the defendants not to use the infringing trade mark AEGON or EGON.

The further case of the plaintiffs is that upon being put to notice, the three defendants have responded through their counsel that they have since discontinued the use of the infringing trademarks. They have also requested

the plaintiff to withdraw the case.

In these circumstances, the plaintiffs wish to withdraw the case. The submission of learned counsel for the plaintiffs is that, believing the representations made by the defendants in their respective legal response, the plaintiffs are withdrawing the present suit. He, however, submits that in case a fresh cause of action arises, the plaintiffs would file a fresh suit.

Accordingly, the application is disposed of. The suit is directed to be withdrawn unconditionally. Needless to state that in case a fresh cause of action arises, the plaintiffs may prefer such remedy as may be available in law.

Interim order stand vacated.

MARCH 08, 2016

B.S. Rohella

VIPIN SANGHI, J