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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM)No.1195/2016 & IA No.10710/2016 (under Order XXXIX Rules 1&2 CPC).

M/S DIPPED PRODUCTS PLC Plaintiff

Through: Ms. Suruchi Mittal and Mr. Tarun
Diwan, Advs.

versus

KRISHNA INTERNATIONAL & ANR Defendants

Through: Mr. Sidharth Tyagi, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **24.10.2016**

1. This order is in continuation of the earlier order dated 1st September, 2016.
2. Mr. Sidharth Tyagi, Advocate appears for both the defendants and states that Mr. Bhavik Sudhir Popat proprietor of defendant no.1 Krishna International and the defendant no.2 Mr. Sudhir Shantilal Popat are also present in the court. He further states that the defendants have not infringed the trademark of the plaintiff and have no intention to do so in future and so as to not bear the burden of litigation are willing to suffer a decree for injunction in terms of prayer paragraph 29(a) of the plaint, subject to the plaintiff giving up the other reliefs.
3. The counsel for the plaintiff seeks time to obtain instructions.
4. In my view once the defendants have come from Bombay to this Court, it is not deemed appropriate to adjourn the matter especially in the light of the observations made in para 5 of the earlier order dated 1st September, 2016, of the plaintiff having not filed any document with respect

to the territorial jurisdiction of this court. Even otherwise, once the defendants on the very first opportunity are willing to suffer a decree, the question of the plaintiff being entitled to the relief of damages which in any case is in the discretion of the court in such matters, does not arise.

5. In this view of the matter, a decree is passed in favour of the plaintiff and against the defendants in terms of prayer paragraph 29(a) of the plaint and the suit is disposed of leaving the parties to bear their own costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

OCTOBER 24, 2016

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