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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(OS) 2790/2015 & IA No.19245/2015 (U/o XXXIX R-1&2 CPC)  
PIONEER HI-BRED INTERNATIONAL, INC & ORS..... Plaintiffs  
Through: Mr. Chander M. Lall with Ms.  
Jyotideep Kaur, Advs.

versus

MR MANAM BHARANI VIJAY KUMAR ..... Defendant  
Through: Mr. J.S. Chauhan, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**08.07.2016**

1. The case is taken up today as 7<sup>th</sup> July, 2016 was declared a holiday.
2. The three plaintiffs viz. Pioneer Hi-Bred International, Inc., Pioneer Overseas Corporation and PHI Seeds Pvt. Ltd. have sued for restraining the defendant Mr. Manam Bharani Vijay Kumar @ Chitti Babu from using the trademarks PIONEER & PHI or any other trademark deceptively similar to the plaintiffs registered trademarks PIONEER & PHI, in respect of seeds / hybrid seeds and for ancillary reliefs.
3. Summons of the suit were issued and vide *ex parte* ad-interim order dated 14<sup>th</sup> September, 2015, the defendant was restrained from using the said trademarks of the plaintiff and a Court Commissioner appointed to visit the premises of the defendant.
4. The Court Commissioner has filed a report to the effect that no infringing material was found.
5. The defendant has filed a written statement denying infringing the trademarks of the plaintiffs.

6. The plaintiffs did not file the replication or the original documents despite opportunity and resultantly the admission / denial of documents could not been done and the matter has been placed before this Bench vide order dated 02.06.2016 of the learned Joint Registrar.

7. The right of the plaintiffs to file replication and original documents is closed and the counsels have been requested to address on the application for interim relief.

8. The counsel for the plaintiffs states that since the defendant has denied infringing the trademarks of the plaintiffs, the suit can be disposed of by injunctiong the defendant and the plaintiffs will not press for other reliefs claimed.

9. The counsel for the defendant has no objection to the suit being so disposed of and rather states that the institution of the suit is without any cause of action and by way of harassment to the defendant.

10. In view of the statement aforesaid of the counsel for the defendant, the suit is disposed of by passing a decree for permanent injunction in favour of the plaintiffs and against the defendant restraining the defendant from in any manner whatsoever using the trademarks PIONEER & PHI of the plaintiffs, and/ or any other trademarks similar or deceptively similar thereto with respect to seeds/ hybrid seeds and leaving the parties to bear their own costs.

Decree sheet be drawn up.

**RAJIV SAHAI ENDLAW, J**

**JULY 08, 2016**

‘gsr’..