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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 5/2015 & I.A. Nos.24626/2015, 375/2016

SIMLA CHEMICALS (P) LTD Plaintiff
Through Mr.Sanjeev Singh, Adv. with
Mr.D.K. Yadav, Advs.

versus

M/S SIMRAT CHEMICALS Defendant
Through Ms. Prathiba M. Singh, Sr. Adv.
with Mr.P.K. Jain, Mr.Rahul Vidhani
& Mr.Ashish Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

O R D E R

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28.01.2016

The plaintiff has filed the suit for permanent injunction restraining infringement, passing off, damages and rendition of accounts etc. The suit as well as the interim application were listed before the Court on 1st December, 2015. After hearing learned counsel for the plaintiff, the defendant was restrained from manufacturing and selling the Hair Fixer or other allied or cognate goods bearing the impugned trademark SIEKO and anything which may cause to infringement and passing off of their goods as that of the plaintiff's. Upon service the defendant filed the written statement as well as the application for vacation of the interim order. The parties earlier made their submissions on merit in the applications. However, before pronouncing the judgment, the parties have settled their disputes on the following terms and conditions:-

1. The defendant admits that the plaintiff is the owner of trade mark SIMCO and undertakes not to infringe the said

trademark in future by using of any trademark which may be identical with or deceptively similar.

2. The plaintiff has no objection if the defendant may use the mark SIMRATSIEKO in the style agreed by both the as Annexure-A which is duly signed by both the parties and is tagged in Part-I file of the suit file.
3. The plaintiff has no objection if the defendant may defendant-seal the goods seized by the Local Commissioner to exhaust the same latest by 31st March, 2016. Thereafter, the defendant shall not use the trade mark SIEKO.

The suit is accordingly decreed in view of the above said terms and conditions. The pending applications also stand disposed of. Decree be drawn accordingly.

JANUARY 28, 2016/vp

MANMOHAN SINGH, J.