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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.85/2017 & IA No.1343/2017 (under Order XXXIX
Rules 1&2 CPC).

KARIM HOTELS PVT LTD Plaintiff

Through: Mr. Arjun Mukherjee and Ms.
Anupama Kumar, Advs.

versus

DILLI KAREEM RESTAURANT & ANR Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **09.03.2017**

1. This order is in continuation of the order dated 1st February, 2017.
2. Though the report of service of both the defendants is awaited but the counsel for the plaintiff has filed affidavit of service as well as affidavit of compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) and there is no reason to disbelieve the same.
3. None appears for the defendants.
4. The counsel, on enquiry whether the defendants have complied with the interim order dated 1st February, 2017, states that the defendants were found in the process of changing the board outside their restaurant and infringing board was found to have been removed.
5. It appears that the defendants are not interested in contesting the suit.
6. The defendant no.1 Dilli Kareem Restaurant and defendant no.2 Nadeem Ahmed are proceeded against *ex parte*.

7. The plaintiff, on the basis of the averments made in the plaint duly supported by affidavit and the documents filed therewith, has made out a case for grant of a decree for permanent injunction in terms of prayer paragraphs 40(i) & (ii) of the plaint. For the reasons given in ***Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del. 508 the need to relegate the plaintiff to *ex parte* evidence is not felt.

8. The counsel for the plaintiff states that if the decree for permanent injunction is passed today, he will not press for the other reliefs claimed.

9. A decree is accordingly passed, in favour of the plaintiff and against the two defendants jointly and severally, of permanent injunction in terms of prayer paragraphs 40(i) & (ii) of the plaint, leaving the parties to bear their own costs.

Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

MARCH 09, 2017

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