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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 34/2017 & I.As. 5789/2015 AND 18935/2015

M/S KIWI FOODS (INDIA) PVT LTD Plaintiff
Through: Mr. S.K. Bansal, Advocate.

versus

LAXMI KANT SHUKLA & ORS Defendants
Through: Mr. Shailen Bhatia, Advocate with
Ms. Priyanka Anand, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
16.11.2017

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Present suit has been filed seeking permanent injunction, restraining passing off, infringement of copyright, delivery up etc.

Learned counsel for defendants states that defendants have no objection if the present suit is decreed in accordance with paragraph 30(a) of the plaint.

He further states that the impugned wrappers shall be destroyed in the presence of a representative of the plaintiff within a period of four weeks. He, however, states that defendant is not in a position to make payment of any damages.

Keeping in view the aforesaid statements, learned counsel for plaintiff does not press the reliefs of delivery up, damages and costs.

The statements, assurances and undertakings given by the learned counsel for parties are accepted by this Court and both parties are held bound by the same.

Consequently, the present suit and applications are decreed in accordance with paragraph 30(a) of the plaint and the defendants are directed to destroy the impugned wrappers in the presence of a representative of the plaintiff on 11th December, 2017.

Registry is directed to prepare a decree sheet accordingly.

Order dasti.

MANMOHAN, J

NOVEMBER 16, 2017

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