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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 69/2016**

SANJEEV JUNEJA & ANR

..... Plaintiff

Through Mr D.K. Yadav, Advocate.

versus

M/S VINAYAK INDUSTRIES

..... Defendant

Through Mr Suwarn Rajan, Mr Sanchay Mehrotra,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.01.2017

IA No. 1228/2017

This is a joint application filed by the plaintiffs and defendant under Order XXIII rule 3 CPC, *inter alia*, recording the terms of the settlement. The application is supported by affidavits of the authorized representatives of the parties. The same is lawful, accordingly, the application is allowed.

In terms of the settlement between the parties, the suit is decreed in favour of the plaintiff in terms of paragraph 39 (A) of the plaint which reads as under:-

"A decree of permanent injunction restraining the defendants by themselves as also through their directors, proprietors, individual proprietor, partners (if any), agents, servants, assigns, representatives, successors, distributors and all others acting for and on their behalf from using, manufacturing, selling, exporting, offering for sale, advertising or displaying directly or indirectly or dealing in any other manner or mode in

relation to cosmetic goods, face creams, hair oil, talcum powder, etc. and all allied and cognate goods under the impugned trade mark/label/packaging/wrapper/trade dress ROOP ULTRA or any other trade mark/label/packaging/wrapper/trade dress identical with or deceptively similar trade mark/label/packaging/wrapper/trade dress amounting to or resulting in:-

(i) Passing off and violation of the plaintiff's said trade mark/label/packaging/wrapper/trade dress ROOP MANTRA;

(ii) Infringement of the plaintiff's said copyright involved in the artistic work of the trade mark/label/packaging/trade dress/wrapper and trade dress ROOP MANTRA.

(iii) Passing off or otherwise violation by way of passing off of the plaintiff's said well known trade mark/label/packaging/trade dress/wrapper ROOP MANTRA."

Let the decree sheet be drawn up.

The hearing scheduled on 28.02.2017 is cancelled.

VIBHU BAKHRU, J

JANUARY 31, 2017

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