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

+ CS(OS) 620/2014 and I.As.3994/2014 & 9901/2014

NUTAN BATRA Plaintiff

Through Mr.Shashi P.Ojha and Mr.Waseem
S.Ahmed, Advs.

versus

NAYIBUNIYAAD DEVELOPER PVT LTD & ORS Defendants

Through Ms.Priyanka Das, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **23.11.2017**

1. This suit is filed by the plaintiff seeking a decree of permanent injunction to restrain the defendants etc. from using the impugned mark 'BUNIYAD' as a trademark or from using any such trade name corporate name which is similar to the plaintiff's registered mark 'BUNIYAD'. Other reliefs are also sought.
2. The learned counsel for the plaintiff has pointed out that the trademark of the plaintiff is registered. It has also been pointed out that the directors of defendant No.1 Shri Pramod and Ms.Geeta have undertaken not to use the mark 'BUNIYAD' as a trademark or as the part of trade corporate name. They have also undertaken to take steps for cancellation of the name of the company Nayi Buniyad Pvt. Ltd. and Nayi Buniyad Property Pvt. Ltd. which is registered with the Registrar of companies.
3. None is appearing for the defendants. The defendants are proceeded ex parte.
4. In view of the undertaking given by the defendants, the suit is decreed

in terms of the para 29 (a) and para 29 (b) of the plaint. No order as to costs.

5. The original of undertaking is not on record. Let, the Registry trace out the same and place it on record. The learned counsel for the plaintiff has filed a photocopy. The same is taken on record and the Registry may scan and place it on record.

JAYANT NATH, J.

NOVEMBER 23, 2017

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