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

+ **CS(COMM) 102/2017**

**5D ROBOTICS INC.**

..... Plaintiff

Through: Mr. Pravin Anand, Mr. Nischal  
Anand & Mr. S. Shivakumar, Advs.

Versus

**MAALIGAI PARAI KARUPPA AND OTHERS** ..... Defendants

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**07.12.2017**

1. The sole plaintiff viz. 5D Robotics Inc. instituted this suit against the two defendants viz. Maaligai Parai Karuppa and Asimo Multitech (P) Ltd. for permanent injunction restraining infringement of copyright and passing off and for ancillary reliefs.
2. The suit was entertained and vide *ex parte* ad-interim order dated 8<sup>th</sup> February, 2017, while issuing notice thereof, the defendants were restrained from infringing the plaintiff's copyright and from using any trade mark deceptively similar to the plaintiff's trade mark and / or from using any logo deceptively similar to the plaintiff's logo and from passing off their goods as those of the plaintiff.
3. None appeared for the defendants despite service and the defendants were vide order dated 13<sup>th</sup> September, 2017 proceeded against *ex parte* and the interim order confirmed and the plaintiff relegated to lead its *ex parte* evidence.

4. The plaintiff has examined Mr. Nripendra Kashyap, its constituted attorney and closed its evidence.

5. I have perused the pleadings, documents and the evidence led by the plaintiff and find the plaintiff to have made out a case for grant of the relief of permanent injunction as claimed in para no.20(a) of the plaint dated 7<sup>th</sup> February, 2017.

6. The plaintiff is also found entitled, besides the costs of the suit, damages in the sum of Rs.5 lacs from the defendants jointly and severally.

7. A decree is accordingly passed in favour of the plaintiff and against the two defendants jointly and severally for i) permanent injunction in terms of prayer para no.20(a) of the plaint dated 7<sup>th</sup> February, 2017; ii) recovery of damages in the sum of Rs.5 lacs; iii) costs; counsels fee assessed at Rs.1 lac.

Decree sheet be drawn up.

**RAJIV SAHAI ENDLAW, J.**

**DECEMBER 07, 2017**

‘gsr’..