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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.173/2017 & IA No.2782/2017 (under Order XXXIX
Rules 1&2 CPC).

ORAVEL STAYS PRIVATE LIMITED Plaintiff

Through: Ms. Tanya Varma, Adv.

versus

DEEPENDRA SINGH & ANR. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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29.03.2017

1. This order is in continuation of the earlier orders dated 3rd March, 2017 and 9th March, 2017.
2. None appears for the defendants today also.
3. The counsel for the plaintiff on enquiry states that the order dated 9th March, 2017 has been complied with.
4. The defendants are proceeded against *ex parte*.
5. Need to relegate the plaintiff to *ex parte* evidence, in view of the pleadings and the documents and the earlier orders, is not felt. Reference in this regard may also be made to *Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.* 2013 SCC OnLine Del. 508.
6. Accordingly, a decree is passed in favour of the plaintiff and against the defendants:

- (i) of permanent injunction restraining the defendants, their partners, proprietors, servants, agents, affiliates, sister concerns and all other in active concert or participation with them from advertising, marketing or in any manner doing business under

the mark “OYO Money” and/or any mark containing the plaintiff’s trademark “OYO” or a deceptively similar variant thereto thus passing off their services or goods as those of the plaintiff;

- (ii) of mandatory injunction directing the defendants Mr. Deependra Singh and Nextcoin Technologies Private Limited to transfer the domain name www.oyomoney.in to the plaintiff; and,
- (iii) of mandatory injunction directing National Internet Exchange of India to within 15 days of service of this order, on the plaintiff complying with the necessary formalities and paying the necessary charges therefor, transfer the domain name www.oyomoney.in to the plaintiff.

7. The counsel for the plaintiff states that since the plaintiff has been unable to trace the defendants in the physical form, the plaintiff is not pressing for other reliefs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

MARCH 29, 2017

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