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

+ **CS(COMM) 507/2016**

INNER TRIP REIYUKAI
INTERNATIONAL & ANR. Plaintiffs
Through: Ms. Nancy Roy, Advocate

versus

INNER TRIP REIYUKAI
INTERNATIONAL SOCIETY & ORS. Defendants
Through: None.

% Date of Decision: 01st November, 2017

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J (Oral)

I.A. 2377/2017

1. Present joint application has been filed under Order 23 Rule 3 read with Section 151 CPC. The same is duly signed by learned counsel for the plaintiffs and defendants No.1 and 2.
2. Present application is also supported by the affidavits of authorized representative of the plaintiffs and the defendant No.2 who is also authorised to sign the settlement application on behalf of the defendant No.1.
3. Learned counsel for the plaintiffs submits that the defendants No.1 and 2 have not engaged any Advocate and have signed the application and

accompanying affidavit and sent it to the counsel for the plaintiffs who has filed the application before this Court.

4. This Court has perused the present compromise application and is of the opinion that the same is lawful. The parties to remain bound by the terms of the settlement application. Consequently, the suit is decreed in accordance with the Settlement terms mentioned in the present application, copy of which is marked as Ex.C-1. Registry is directed to prepare a decree sheet accordingly.

5. With the aforesaid observations, present application is allowed and the suit stands disposed of qua defendants No.1 and 2. The application stands disposed of.

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6. Defendants No.3 to 7 were duly served, but never entered appearance before this Court. The right of the said defendants to file their written statements was closed vide order dated 23rd April, 2015.

7. Defendants No.8 and 9 were also served and were negotiating settlement with the plaintiffs. However, no joint application recording the terms of settlement has been filed. The learned counsel for plaintiffs submits that she has not received the signed settlement application from the defendants No.8 and 9 till date.

8. The right of the defendants No.8 and 9 to file their written statements already stands closed vide order dated 24th January, 2017. Consequently, defendants No.3 to 9 are proceeded ex parte.

9. Learned counsel for the plaintiffs states that in view of the judgment of this Court in ***Satya Infrastructure Ltd. & Ors. Vs. Satya Infra & Estates Pvt. Ltd.***, the present suit should be decreed qua the relief of injunction against the defendants No.3 to 9. The relevant portion of the judgment in ***Satya***

Infrastructure Ltd. & Ors. (Supra) relied upon by learned counsel for the plaintiffs is reproduced hereinbelow:-

“I am of the opinion that no purpose will be served in such cases by directing the plaintiffs to lead ex parte evidence in the form of affidavit by way of examination-in-chief and which invariably is a repetition of the contents of the plaint. The plaint otherwise, as per the amended CPC, besides being verified, is also supported by affidavits of the plaintiffs. I fail to fathom any reason for according any additional sanctity to the affidavit by way of examination-in-chief than to the affidavit in support of the plaint or to any exhibit marks being put on the documents which have been filed by the plaintiffs and are already on record. I have therefore heard the counsel for the plaintiffs on merits qua the relief of injunction.”

10. She further states that she has instructions not to press for any other relief other than the relief of permanent injunction, as prayed for in prayer A(i) and (ii) of the plaint. The prayer A(i) and (ii) of the plaint are reproduced hereinbelow:-

“A. The Defendants, their members, associates, affiliates, employees, agents, distributors, franchisees, representatives, assigns or any other person involved in offending activities be restrained by a permanent injunction from:

- i. using the Plaintiffs’ mark INNER TRIP REIYUKAI INTERNATIONAL, ITRI, ITRI (logo) and/or Plaintiffs’ ECOSOC number and/or any other mark which is deceptively or confusing similar to the Plaintiffs’ INNER TRIP REIYUKAI INTERNATIONAL, ITRI and/or ITRI (logo) either as a domain name or part of the domain name, as a trade mark or part of a trade mark, as a name of a society or trade name or corporate name or as part of a trade or corporate name, as a metatag or otherwise on the internet or the world wide web, or in any other manner whatsoever so as to infringe the registered trademarks of the Plaintiffs and/or pass off its services as emanating from the Plaintiffs as the case may be;*

ii. using the United Nations (logo) in any manner whatsoever;”

11. The relevant facts of the present case are that the present suit has been filed for injunction, damages as well as for infringement and passing off plaintiffs’ trademarks. Plaintiff No.1 is an American non-profit charitable organization functioning since 2002. In 2010, plaintiff No.1 was registered as a public charitable trust. Plaintiffs’ trademarks are stated to be registered even in India and the said registrations are stated to be valid and subsisting. It is submitted that the defendants have adopted the plaintiffs trade mark/name Inner Trip Reiyukai International, ITRI and the ITRI (logo) and are using the same for running a bogus and fake recruitment scheme to collect money from unwary unemployed Indian youth, majority of whom are from poor sections of the society. It is also submitted that the defendants have also illegally used the United Nations logo along with plaintiffs’ ECOSOC number without the authority of the United Nations or the plaintiffs.

12. It is also submitted that defendants since 18th October, 2012 have been assuring the plaintiffs that they would dissolve their organisations. However, the organisations floated by the defendants with the plaintiffs’ name and mark were not dissolved prior to the filing of the present suit.

13. It is stated by the learned counsel for plaintiffs that she has received information that pursuant to filing of the present suit and passing of the ex parte ad interim injunction order dated 12th April, 2013, the defendants have dissolved the organisations under the infringing marks/names.

14. In view of the averments made in the plaint, which remain uncontroverted, this Court is of the view that the plaintiffs are entitled to the judgment in terms of the relief claimed for in para A(i) and (ii) of the plaint. However, since the plaintiffs have not established the quantum of damages, no

relief in this regard can be granted. As noted above, the learned counsel for the plaintiffs has also not pressed for the said relief.

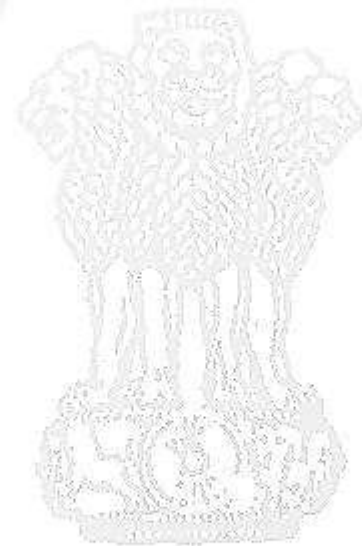
15. In view of the above, the suit is decreed in favour of the plaintiffs and against the defendants No.3 to 9 in terms of prayer clauses A(i) to (ii) of the plaint along with the actual costs. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suit. Registry is directed to prepare a decree sheet accordingly.

16. Consequently, the present suit and pending applications stand disposed of.

MANMOHAN, J

NOVEMBER 01, 2017

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