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

+ CS(COMM) 804/2016 and IA No. 22072/2014 & 5867/2015

UNITED BIOTECH PVT LTD Plaintiff
Through Mr. Mohit Goel, Mr. Bhardwaj
Jaishankar, Mr. Abhishek Kotnala and Mr.
Deepankar Mishra, Advs.

versus

LEEFORD HEALTHCARE LTD & ANR Defendants
Through Ms. Disha Malhotra, Adv. for
Mr. Jaspreet Singh Kapur, Adv. for D-1.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
08.11.2017

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Pursuant to the last order dated 03.11.2017, learned counsel for the parties submit that they have arrived at a settlement.

Learned counsel for defendant No.1 states that defendant No.1 will not manufacture the product with the trade mark/brand name "MENEM". Binding defendant No.1 to the said submission, a decree of injunction is passed in favour of the plaintiff and against defendant No.1 restraining defendant No.1 from manufacturing, selling or dealing with any product under the said trade mark/brand name "MENEM" or any deceptively similar trade mark.

None has appeared for defendant No.2.

As far as defendant No.2 is concerned, learned counsel for the plaintiff submits that the written statement has been filed. However, a

perusal of the record shows that there is no written statement on record filed by defendant No. 2 though the plaintiff has filed a replication to the written statement of defendant No.2. It appears that no such written statement was filed though an advance copy perhaps was served on the plaintiff.

Accordingly, under Order VIII Rule 10 CPC as no written statement of defendant No. 2 is on record, I pass a similar decree in favour of the plaintiff and against defendant No.2 as passed against defendant No.1.

As the matter has been settled, in terms of Section 16A of the Court Fees Act, the plaintiff shall be entitled to refund of half of the court fees.

The suit stands disposed of.

Pending applications also stand disposed of.

JAYANT NATH, J

NOVEMBER 08, 2017
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