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

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CS(COMM) 1182/2016 & I.A.No.10606/2016

THE H.D. LEE COMPANY INC

..... Plaintiff

Through Mr.Manish Dhir, Advocate.

versus

MR IMRAN KHAN & OTHERS

..... Defendants

Through Defendant no.1 in person.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**02.08.2017**

Present suit has been filed for permanent injunction, restraining infringement of trademarks, passing off, rendition of accounts, damages and delivery up.

The defendant no.1 is personally present in Court and he has handed over the affidavits on behalf of all the defendants as well as Mr.Salaman Khan. Since all the affidavits are identical, the affidavit of defendant no.1 is reproduced hereinbelow:-

*“I Imran Khan son of Shri Tasdik Ahmed R/o Z-II/109, Welcome, Seelampur-III, Delhi-53, do hereby solemnly affirm and declare as under:-*

- 1. That I am the citizen of India.*
- 2. That my father Shri Tasdik Ahmed is the Prop. of M/S Tasdik Amed Trading as Goodman Garments, CW-Z-II, 109-110, Welcome Seelampur-III, Delhi-53.*
- 3. That the said firm was running in my lookafter under the instruction of my father.*
- 4. This firm was the holder of Regd. Trade Mark LEE STAR as*

*No.719663. (J-No.MEGA (SPL-2) in class 25 under No.719663, which was issued on 25.06.1996 and the same was valid upto 21.04.2004.*

- 5. That due to my illiteracy I was using the said trade mark for the firm, after the date of validity of the said Trade Mark.*
- 6. That I hereby assure and undertake not to use the said Trade mark (LEE STAR) or its similar name for the above mentioned firm now or in future.*
- 7. This is my true statement.”*

The defendant no.1 also assures and undertakes to this Court that whatever materials/sign boards the defendants have bearing the mark “Lee Star” or any other similar or identical mark shall be handed over to an authorised representative of the plaintiff within a period of two weeks.

The statements/assurances/undertakings given by defendant no.1 as well as the affidavits of the remaining defendants and Mr.Salman Khan are accepted by this Court and the said defendants/individuals are held bound by the same.

In view of the aforesaid statement and affidavits, learned counsel for the plaintiff does not wish to press his relief for rendition of accounts, damages, costs and delivery up.

Consequently, the present suit is decreed in accordance with the affidavits of the defendants handed over today in Court as well as the undertaking given to this Court by defendant no.1 and in accordance with the paragraph 51 (A) (a) & (b) of the plaint.

Registry is directed to prepare a decree sheet accordingly.

**MANMOHAN, J**

**AUGUST 02, 2017/KA**