

\$~3

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

+ CS(COMM) 1293/2016 & I.A.No.11871/2015

INDIAN HERBS SPECIALITIES PVT LTD Plaintiff

Through Mr.Sumit Roy, Advocate.

versus

AFFLATUS PHARMACEUTICALS Defendant

Through Mr.Umesh Mishra, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

22.08.2017

Present suit has been filed for permanent injunction, retraining infringement of trademark, passing off, dilution of trademark, unfair competition, damages and delivery up.

Present suit has already been decreed against defendant nos.1 and 3 in accordance with the joint compromise application.

Today learned counsel for the sole surviving defendant no.2 states that he has no objection if the present suit is decreed in accordance with paragraph 27 (a) and (b) of the plaint. He further states that the said defendant shall pay Rs.21,000/- to the plaintiff as damages and costs within a period of two weeks.

Learned counsel for the plaintiff states that in view of the aforesaid statement, he does not wish to press the prayers for delivery up as well as damages and costs.

The statements, assurances and undertakings given by both the counsel are accepted by this Court and both the parties are held bound by the same.

Accordingly, the present suit is decreed in accordance with paragraph 27 (a) and (b) of the plaint. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector the half amount of the Court fee paid by it in the present suit.

MANMOHAN, J

AUGUST 22, 2017

KA