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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.1330/2016 & IA No.18113/2016 (under Order XXXIX Rules 1&2 CPC).

MOTHER DAIRY FRUIT & VEGETABLE PVT LTD. Plaintiff
Through: Mr. Nishchal Anand and Mr. Aman
Taneja, Advs.

versus

JAIN AGRO OILS Defendant
Through: Mr. Vijay Jaidka and Mr. Sanjeev
Kohli, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **02.02.2017**

1. This order is in continuation of the earlier orders dated 23rd September, 2016, 24th November, 2016 and 19th January, 2017.
2. The counsel for the defendant states that though Mr. Vijay Jain proprietor of the defendant is not present in person as directed, but his son Mr. Ankit Jain is present in person.
3. The counsel for the defendant has also handed over in Court affidavit attested on 1st February, 2017 of the said Mr. Vijay Jain, agreeing to suffer a decree for permanent injunction as claimed by the plaintiff in the suit, subject to the plaintiff giving up the claim for damages.
4. Mr. Ankit Jain present in Court and as identified by the Advocate for the defendant, on enquiry, states that the affidavit bears the signatures of his father Mr. Vijay Jain who is the proprietor of the defendant.
5. The affidavit is taken on record.

6. The counsel for the plaintiff fairly states that since the defendant, at initial stage only has agreed to suffer the decree for injunction, the plaintiff will not press for the other reliefs claimed.
7. A decree is accordingly passed in favour of the plaintiff and against the defendant in terms of prayer paragraphs (a), (b) & (c) of the plaint, leaving the parties to bear their own costs.
8. Decree sheet be prepared.
9. The counsel for the plaintiff seeks refund of the court fees.
10. A certificate entitling the plaintiff to obtain refund of 50% of the court fees paid on the plaint be handed over to the counsel for the plaintiff.

RAJIV SAHAI ENDLAW, J

FEBRUARY 02, 2017
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