

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1369/2016 & IA No.12254/2016 (u/O XXXIX R-1&2
CPC)
MOTHER DAIRY FRUIT AND VEGETABLE PVT. LTD....Plaintiff
Through: Mr. Atul Batra, Mr. Kundan Mishra
and Ms. Shreya Mathur, Advs.

Versus

DHARA GROUP

..... Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

20.12.2017

%

1. The plaintiff has sued the defendant for permanent injunction restraining the defendant from infringing the trade marks of the plaintiff listed in para 13 of the plaint and from passing off its goods as that of the plaintiff and for ancillary reliefs.
2. The suit was entertained and summons thereof and notice of the application for interim relief ordered to be issued to the defendant.
3. The defendant could not be served by ordinary process and was ordered to be served by publication which is reported to have been effected.
4. None appeared for the defendant before the Joint Registrar. None appears for the defendant today.
5. The defendant is proceeded against *ex-parte*.
6. The need for relegating the plaintiff to *ex-parte* evidence is not felt in view of *Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.* 2013 SCC OnLine Del 508.

7. The plaintiff, on the basis of the pleadings and the documents is found entitled to a decree of permanent injunction in terms of prayer paragraphs (a) & (b) of the plaint verified on 23rd September, 2016. The defendant having not contested the suit and the plaintiff having sued “Dhara Group”, without disclosing the constitution or identity of ‘Dhara Group’, the plaintiff is not found entitled to the relief of damages. The plaintiff shall however be entitled for costs of the suit.

8. A decree is accordingly passed in favour of the plaintiff and against the defendant in terms of prayer paragraphs (a) & (b) of the plaint verified on 23rd September, 2016. The plaintiff shall also be entitled to costs of the suit.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

DECEMBER 20, 2017

bs..