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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 435/2017 & IA Nos.7308/2017 & 7310/2017

INTER IKEA SYSTEMS BV ... Plaintiff
Through: Ms Shwetasree Majumder with
Ms Tanya Verma, Advocates

versus

RAJESHBHAI GADHIYA & ANR. ... Defendants
Through: Mr Ashwani Kumar Sharma with Mr Manoj
Kumar Tyagi and Mr Shailendera Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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15.11.2017

The present suit has been filed for permanent injunction restraining infringement of trademark, passing off, rendition of accounts, damages and delivery up. It has been averred in the plaint that the defendant is using the mark 'IKEEA', which is deceptively similar to the registered trademark of the plaintiff, i.e., "IKEA".

Today, learned counsel for the defendants states that the defendants have no objection if the present suit is decreed in accordance with the prayers "a" and "b" of the present plaint. He further states that the defendants shall pay the plaintiff a sum of Rs 1 lakh as costs / compensation.

He also states that the defendants shall sell the existing stock of detergents under a different mark with a different packaging. He

states that the existing packaging shall be destroyed in the presence of the representative of the plaintiff within a period of four weeks.

In view of the aforesaid statement, the learned counsel for the plaintiff does not wish to press for other reliefs prayed for in the present plaint.

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

Accordingly, the suit is decreed in accordance with prayers “a” and “b” of the plaint. The costs/compensation of Rs.1 lakh is directed to be paid to the plaintiff within four weeks and the offending packaging shall be destroyed by the defendant in the presence of the representative of the plaintiff within four weeks.

With the aforesaid directions, the suit as also the pending applications stand disposed of.

The Registry is directed to prepare a decree sheet accordingly.

List the matter for compliance on 09th January, 2018.

MANMOHAN, J

NOVEMBER 15, 2017

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