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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 1574/2016 & I.As. 6118/2015, 21944/2015 AND
23620/2015

MONISH GUJRAL

..... Plaintiff

Through: Mr. Chander M. Lall, Senior Advocate
with Ms. Nancy Roy and Mr. Rupin
Bahl, Advocates.

versus

MALL MART HOSPITALITY INDIA PVT LTD Defendant

Through: Mr. S. Muthukrishnan, Advocate with
Mr. Mahadevan Krishnamurthy,
proprietor of defendant No.2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

25.07.2017

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Learned counsel for defendant No.2, on instructions of Mr. Mahadevan Krishnamoorthy, proprietor of defendant No.2 who is personally present in Court, states that defendant No.1 has transferred all its rights and interests in the restaurant in question in Coimbatore to defendant No.2.

Mr. Mahadevan Krishnamoorthy further states that defendant No.2 is not using the mark MOTI MAHAL and shall not use the said mark or any other similar or deceptive mark in future. He also states that the defendant No.2 has destroyed all goods, packaging and promotional material, catalogues, stationery and any other material whatsoever bearing the trademark NEW MOTI MAHAL. He states that he has no objection if the present suit is decreed in terms of the prayer A(i) and (ii) of the plaint.

In view of the aforesaid statement, learned senior counsel for plaintiff does not wish to press his claim for damages and costs.

To avoid any controversy, prayer A of the plaint is reproduced hereinbelow:-

“A. The Defendants, their directors, franchisees, partners, servants, agents, representatives and assigns be restrained by a permanent injunction from:

- (i) Using the trademark/trade name NEW MOTI MAHAL and/or any other trademark deceptively or confusingly similar to the Plaintiffs’ trademarks MOTI MAHAL and the MOTI MAHAL Formative marks or any other trademark mentioned in paragraph No.12 & 13 of the Plaint as a trademark or part of a trademark, trade name or part of a trade name, domain name or part of a domain name or in any other manner whatsoever;*
- (ii) Using any other indicia whatsoever to show any association or affiliation or connection of the Defendants or their services with the Plaintiffs or their services.”*

Consequently, present suit with consent of defendant No.2 is decreed in accordance with prayer A(i) and (ii) of the plaint. All pending applications stand disposed of. Registry is directed to prepare a decree sheet accordingly.

As a token of acceptance of the order passed today, Mr. Mahadevan Krishnamoorthy, proprietor of defendant No.2, is directed to sign the today’s order sheet.

MANMOHAN, J

JULY 25, 2017

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