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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.1631/2016 & IA No.15649/2016 (under Order XXXIX Rules 1& 2 CPC).

SOLTA MEDICAL, INC & ANR Plaintiffs

Through: Mr. Ashok Goel, Mr. Ranjeev Kr. and
Mr. Anshul Goel, Advs.

versus

ME CLINIC & ORS Defendants

Through: Mr. Aaditya Vijay Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **10.02.2017**

IA No.1824/2017 (of the plaintiffs under Order XXXIX Rule 2A).

1. *Prima facie* violation of the order is made out.
2. The counsel for the defendants appears on advance notice and states that the violation is unintentional and the error has been rectified. He also states that neither of the three defendants, for all of whom he is appearing, if the plaintiffs do not press for the other reliefs, want to contest the suit insofar as for the relief of perpetual injunction.
3. The counsel for the plaintiffs fairly states that the plaintiffs will not press for other reliefs subject to nominal damages being awarded to the plaintiffs against the defendants.
4. The counsel for the plaintiffs on enquiry states that the defendants were indulging in the impugned actions for about one year prior to the institution of the suit.
5. Considering that the plaintiffs were granted *ex parte ad interim* injunction on 19th December, 2016 when the suit came up first before this

Court and further considering that the defendants, at the earliest, are willing to suffer a decree for permanent injunction, it is not deemed appropriate to grant any nominal damages even.

6. Accordingly, a decree is passed in favour of the plaintiffs namely (i) Solta Medical, Inc.; and, (ii) Bausch & Lomb India Pvt. Ltd. and against all the three defendants namely (a) ME Clinic, (b) Mr. Gulzar Ahmed and (c) Gulzar Impex Pvt. Ltd., of permanent injunction in terms of prayer paragraph 33(i), (ii) and (iii) of the plaint and of mandatory injunction in terms of prayer paragraph 33(iv) of the plaint as well as directing the defendants to immediately destroy all infringing material in their possession and custody, leaving the parties to bear their own costs.

7. Decree sheet be prepared.

8. The date of 25th April, 2017 stands cancelled.

RAJIV SAHAI ENDLAW, J

FEBRUARY 10, 2017

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