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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1679/2016 & I.A. 16144/2016

FERRERO SPA & ORS

..... Plaintiffs

Through: Mr. Pravin Anand, Advocate with
Ms. Vaishali Mittal and Mr Siddhant
Chamola, Advocates.

versus

MR DEEPAK MAKHIJA & ORS

..... Defendants

Through: Mr. M.K. Miglani and Mr. Jithin M.
George, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

18.08.2017

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Learned counsel for all defendants states that defendants have no objection if the present suit is decreed in accordance with para 30(i), (ii), (iii) & (iv) of the plaint. Learned counsel for defendants admits that plaintiff's KINDER trade marks are well known trade marks within the meaning of Section 2(1)(zg) read with Section 11(6) of the Trade Marks Act, 1999. He further states that the infringing goods if any, lying with the defendants shall be destroyed in the presence of an authorised representative of the plaintiff. He lastly states that the defendants shall donate Rs.1.50 lacs to the Lok Nayak Hospital run by the Delhi Government.

Keeping in view the aforesaid statements, Mr. Pravin Anand, learned counsel for plaintiffs states that he does not wish to press his prayers (vi),

(vii) and (viii) of para 30 of the plaint.

The statements made by learned counsel for parties are accepted by this Court and parties are held bound by the same.

Consequently, present suit is decreed in accordance with the prayers (i), (ii), (iii) and (iv) of para 30 of the plaint. Registry is directed to prepare a decree sheet accordingly.

The receipt showing deposit of Rs.1.50 lacs with the hospital shall be filed with the Registry of this Court within a period of two weeks.

Registry is also directed to issue to an authorised representative of the plaintiffs a certificate authorizing him/her to receive back from the Collector the full amount of the Court fee paid by them in the present suit.

With the aforesaid observations, the suit and all pending applications stand disposed of.

MANMOHAN, J

AUGUST 18, 2017

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