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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 790/2017**

PARLE AGRO PVT. LTD.

..... Plaintiff

Through Mr.Sanjeev Sidhwani, Sr.Advocate
with Mr.Manav Kumar, Advocate.

versus

AQUA PURE DRINKS & ANR

..... Defendants

Through Mr.Nitin Sen, Advocate for D-1.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.11.2017

I.A No.13473/2017

Keeping in view the averments in the applications, plaintiff is exempted from filing the originals/ clear/legible copies of documents at this stage.

Needless to say, this order is without prejudice to the rights and contentions of the parties.

Accordingly, present application stands disposed of.

CS(COMM) 790/2017 & I.A.Nos.13471-13472/2017

Present suit has been filed for permanent injunction restraining infringement of trademark, passing off, unfair trade competition, damages, delivery up etc.

On the first date of hearing i.e. 17th November, 2017, counsel for defendant no.1 had assured this Court that all offending wrappers, packaging material, dyes and blocks in the possession of his client

would be destroyed.

Learned counsel for the plaintiff has filed an affidavit dated 20th November, 2017, in which it is stated that around 220 pieces of promotional materials bearing impugned mark FRUIT with identical packaging and around 1500 pieces of impugned packaging/label bearing mark FRUIT and one outer carton bearing mark FRUIT were recovered and destroyed in the 'on the spot proceedings' conducted on 17th November, 2017.

Today, learned counsel for defendant no.1 states that he has no objection if the present suit is decreed in accordance with paras 37 (a) and (b) of the plaint. He further states that the defendant no.1 shall voluntarily pay Rs.25,000/- as costs to the Lok Nayak Hospital, New Delhi within a period of two weeks. A receipt of the payment shall be filed within one week thereafter.

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

The statements made by both the counsel are accepted by this Court and the present suit is decreed in accordance with paras 37 (a) and (b) of the plaint. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to the plaintiff a certificate authorizing it to receive back from the Collector the entire amount of the Court fee paid by it in the present suit.

MANMOHAN, J

NOVEMBER 21, 2017/KA