

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUIT (L) NO.532 OF 2018
IN
NOTICE OF MOTION (L) NO.1054 OF 2018**

The Indian Express (P) Ltd. ... Plaintiff
versus
Surjeet Singh and Ors. ... Defendants

Mr. Amol Joshi with Mr. Sufiyan Shaikh i/by Ms. Poorvi Kakani, for Plaintiff.
Mr. Anand Mishra, for Defendant Nos.1 to 3.
Ms. Vaishakhi Talati i/by M/s. Lex Conseilier, for Defendant No.4.
Mr. Pulkitesh Dutt Tiwari i/by Mr. Shardul Amarchand Mangaldas for Defendant No.6.
Mr. Surjeet Singh, Defendant No.1 present.

CORAM: S.J. KATHAWALLA, J.

**DATE: 7th MAY, 2018
(In Chambers)**

P.C.:

1. The learned Advocates for Defendant Nos.1 to 3 and 6 undertake to file Vakalatnama within a period of two weeks from today.

2. Heard the learned Advocates for the parties and the following order is passed by consent :

(i) Defendant Nos.5 and 6 are the formal Defendants.

(ii) The learned Advocates for Defendant Nos.1 to 4 submits to a decree in terms of prayer clauses (a), (c) and (h-(i)(iv) which are reproduced hereunder :

“(a) grant a decree of permanent injunction in favour of the

Plaintiffs and against the Defendant Nos.1 to 4 thereby restraining the Defendant Nos.1 to 4 their officers, its successors in interest, assigns, servants, agents, associates, nominees and/or all and any person claiming through or under them from in any manner whatsoever making use of the Plaintiff's registered Trade Marks "Indian Express", "IE" and "INDIANEXPRESS.COM" its cognate or agnate forms either in isolation or in conjunction with any other words or symbol or marks and/or any other deceptively similar marks so as to infringe the Plaintiff's registered Trade Marks and intellectual property rights, falsifying the marks and falsely applying the trade marks;

(c) to pass an order and injunction in favour of the Plaintiff and against the Defendant Nos.1 to 4, thereby restraining the Defendant Nos.1 to 4 its officers, its successors in interest, assigns, servants, agents, associates, nominees and/or all and any person claiming through or under the Defendant Nos.1 to 4 from passing off in any manner whatsoever the Plaintiff's Registered Trade Marks "Indian Express", "IE" and "INDIANEXPRESS.COM" its cognate or agnate forms either in isolation or in conjunction with any other words or symbol or marks and/or any other deceptively similar marks so to pass off or enable others to pass off their goods and services as those of Plaintiff and/or connected with the Plaintiff and/or the Plaintiff's goods and products;

(h) (i)(iv) to withdraw all stationery, letter heads, visiting cards, bills, paper, advertisement, documents, websites, vehicles, mikes, telephone numbers, etc., which of the use by the Defendant Nos.1 to 4 of Plaintiff's Registered Trade Marks "Indian Express", "IE" and

“INDIANEXPRESS.COM” its cognate or agnate forms either in isolation or in conjunction with any other words or symbol or marks and/or any other deceptively similar marks;

(iii) The Defendant No.1 undertakes to pay costs towards damages in the sum of Rs.2,00,000/- to the Plaintiff on or before 4th June, 2018. The undertaking is accepted.

(iv) In view of this order, the above Suit is disposed of. Refund of Court Fees, if any, as per rules. Notice of Motion (L) No.1054 of 2018 also stands disposed of.

(v) Stand over to 4th June, 2018 to report compliance.

(S.J.KATHAWALLA,J.)