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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 174/2018

PVR LIMITED

..... Plaintiff

Through: Ms. Shilpa Gupta, Advocate with
Mr. Saurabh Srivastava, Mr. Ranjeet
Singh Sidhu, Advocate with
Mr. Abhishek Sharma, Execute Legal
of plaintiff company in person.

versus

M/S PVR PETRO CHEMICAL PRIVATE LIMITED Defendant

Through: Mr. Dinesh Kumar Gupta and Mr. Vidit
Gupta, Advocate with Mr. Vinod Garg,
Director of defendant company.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.02.2018

I.A. 2960/2018 (exemption)

Keeping in view the averments in the application, defendant is exempted from filing the original, clear, typed 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.

I.A. 2959/2018 in CS(COMM) 174/2018

Present suit has been filed for permanent injunction restraining infringement of trademark, passing off, unfair business practice, rendition of

accounts, damages etc.

This Court vide a detailed ex parte injunction order dated 02nd February, 2018 had restrained the defendant from using the mark “PVR” or any deceptive variant thereof which is identical and/or similar to the plaintiff’s trademark in any manner whatsoever.

Though today an application under Order 39 Rule 4 CPC has been filed by the defendant seeking vacation of the said interim order, yet after some arguments, learned counsel for defendant, on instructions of Mr. Vinod Garg, Director of the defendant company, who is personally present in Court, states that defendant would be satisfied if it is given three months time to change its corporate name as well as its trade mark and the domain name. He points out that the defendant is registered with various Government departments and is in the midst of execution of certain contracts.

Learned counsel for plaintiff, on instruction of Mr. Abhishek Sharma, Executive Legal of plaintiff company who is personally present in Court, states that she has no objection to the same provided the suit is decreed in accordance with paragraph 26(a) and (b) of the plaint.

Learned counsel for defendant has no objection to the same.

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

Accordingly, present suit is decreed in accordance with paragraph 26(a) and (b) of the plaint. However, the defendant is permitted to use the impugned mark for a period of three months. The defendant is directed to apply for change of its corporate name, trade mark and domain name within a period of four weeks with all agencies. The defendant shall also file its

inventory as of today with the Registry of this Court within a period of one week. Registry is directed to prepare a decree sheet accordingly.

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

Order dasti under the signature of Court Master.

MANMOHAN, J

FEBRUARY 28, 2018

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