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

+ **CS(COMM) 77/2018 & I.A.No.1434/2018**

M/S. SHIVA TRADERS Plaintiff

Through Mr.Umesh Mishra, Advocate.

versus

MR. AMRAT & ANR Defendants

Through Mr.Jayant Kumar, Advocate for D-1.
Mr.Karamveer Singh, Advocate for
D-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **04.05.2018**

Present suit has been filed for permanent injunction restraining infringement and passing off of trade mark, copyright, damages, delivery up etc.

This Court by way of a detailed order dated 31st January, 2018 had restrained the defendants from using the trademark/artistic work 'nBON' or any other mark/name which was identical or deceptively/confusingly similar to the plaintiff/s registered trademark 'U-BON'.

The local commissioner was also appointed by this Court. From the defendant no.2's premises about 400 infringing pieces had been seized.

Today learned counsel for defendant nos.1 & 2 state that they have no objection if the present suit is decreed in accordance with

prayers (a), (b), (c) & (d) of the plaint.

Learned counsel for the plaintiff states that he will not press for any other relief provided each of the defendants are directed to pay the costs of Rs.25,000/- and the seized materials are handed over to the plaintiff.

Learned counsel for the defendants have no objection to the same.

The statements/undertakings given by learned counsel for defendant nos.1 & 2 are accepted by this Court and the said defendants are held bound by the same.

Accordingly, the suit is decreed in accordance with the statements/undertakings given by learned counsel for defendant nos.1 & 2 as well as prayers (a), (b), (c) & (d) of the plaint. Each of the defendants shall pay the costs of Rs.25,000/- to the plaintiff within a period of eight weeks. The seized goods shall be handed over by defendant no.2 to an authorized representative of the plaintiff on 11th May, 2018 at 4.00 P.M. 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 full amount of the Court fee paid by it in the present suit.

MANMOHAN, J

MAY 04, 2018
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