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

+ CS(COMM) 53/2017 & I.A.5369/2018, 10058/2018

SEVEN TOWNS LTD & ANR

..... Plaintiffs

Through: Mr.Preetesh Kapur, Ms.Sujata
Chaudhri, Mr.Ryan Wilson,
Ms.Janaki Arun, Advocates.

versus

M/S KIDDILAND & ANR

..... Defendants

Through: Mr.Dushyant Manocha, Ms.Anannya
Ghosh, Advocates for defendant
No.2.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **13.09.2018**

1. After some hearing, learned counsel for defendant No.2 submits on instructions from defendant No.2 that defendant No.2 has no objection to the suit being decreed for permanent injunction in terms of prayer 39(a) subject to the plaintiffs giving up prayers (b), (c), (d) and (e). It is further submitted that defendant No.2 shall continue manufacturing and marketing of the cubes as per the colour scheme handed over to the Court today.
2. Learned counsel for the plaintiffs presses for some reasonable litigation cost of the present proceedings to be awarded to the plaintiffs.
3. Learned counsel for defendant No.2 submits that defendant No.2 is carrying on the manufacturing of toys on a small scale with 10-15 workers and defendant No.2 is not in a position to bear the litigation cost and is therefore, suffering a decree to put an end to this litigation. With respect to defendant No.1, the suit was decreed on 22nd December, 2017.

4. Learned counsel for the plaintiffs further submits that defendant No.2 has filed FAO(OS) 354/2016 against the order dated 06th September, 2016 which defendant No.2 should withdraw. Learned counsel for defendant No.2 agrees to withdraw the FAO(OS) 354/2016 within two weeks from today. The statement is taken on record.
5. The plaintiffs suit against defendant No.2 is decreed in terms of prayer 39(a). Defendant No.2 is permitted to manufacture, market and distribute the cube as per the colour scheme and trademark attached to this order as Annexure 'A'. Learned counsel for the plaintiffs agrees to give up prayers (b), (c) and (d). With respect to prayer 39(e), defendant No.2 is directed to pay Rs.50,000/- to the plaintiff within four weeks. Defendant No.2 shall withdraw FAO(OS) 354/2016 within a period two weeks in terms of the statement made above.
6. The pending applications are disposed of.
7. This Court appreciates the assistance rendered by learned counsel for both the parties in putting an end to this long drawn litigation.
8. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

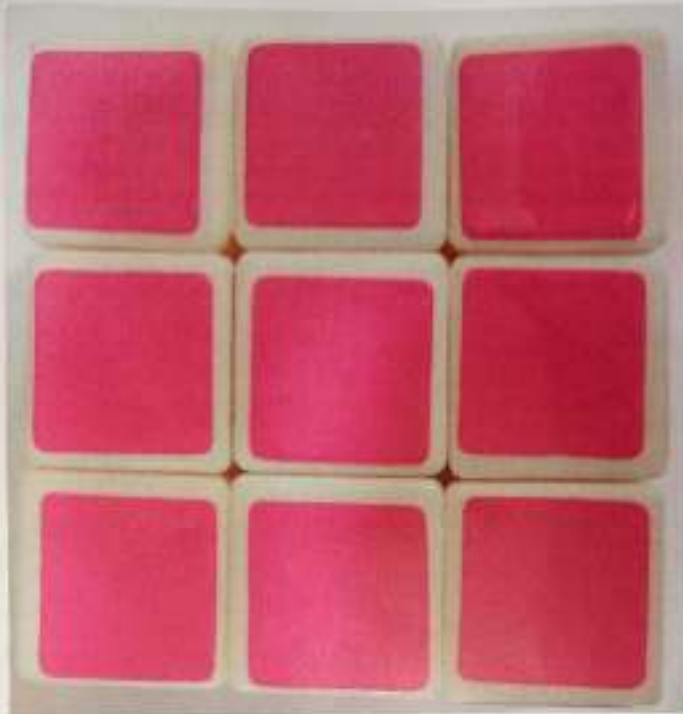
J.R. MIDHA, J.

SEPTEMBER 13, 2018

dk

CS (Comm) No 53/2017 Annexure 'A'

dated 13/09/18



R. Gogoi
Deputy Secy
14/09/2018
For
Aj. Singhania
9914091111

[Signature]
(Ananya Singh)
984351492

