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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 111/2018 & I.A. 17922/2015 AND 1818/2016

FAIRMOUNT HOTELS PVT LTD Plaintiff
Through: Mr. Arun K. Sinha, Advocate with
Mr. Sinhashrey, Advocate.

versus

BHUPENDER SINGH Defendant
Through: Mr. Nagesh, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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05.04.2018

Present suit has been filed for permanent injunction restraining infringement of copyright, passing off, damages and mesne profits etc.

The allegation in the present plaint is that the defendant, who was managing the hotel of the plaintiff between 2010 and 2013, opened his own hotel in Manali by the name Mountain Inn and posted photographs of the plaintiff's hotel on the defendant's Facebook page as if they were of the defendant hotel.

Learned counsel for plaintiff prays that the photographs of the plaintiff be removed from the defendant's Facebook page as the copyright in the said photographs belongs to the plaintiff.

Learned counsel for defendant states that after passing of the ex parte ad interim order dated 28th August, 2015, the plaintiff's photographs have

been removed from the defendant's Facebook page. He further undertakes that the plaintiff's photographs shall not be re-posted on the defendant's Facebook page.

At this stage, learned counsel for plaintiff states that he would be satisfied in the event the defendant pays some reasonable costs to the plaintiff.

Learned counsel for defendant states that the defendant is not doing financially well at this moment.

Keeping in view the aforesaid, the statements/undertakings given by the learned counsel for defendant are accepted by this court and defendant is held bound by the same. The defendant is also directed to pay costs of Rs.50,000/- to the plaintiff within four weeks.

Registry is directed to prepare a decree sheet accordingly.

With the aforesaid observations, present suit and pending application stand disposed of.

MANMOHAN, J

APRIL 05, 2018

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