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

+ CS(COMM) 196/2018 & CrI.M.A.4925/2016, 6925/2016,
I.A.10653/2015

PT DJARUM

..... Plaintiff

Through: Mr.Pravin Anand, Mr.Saif Khan,
Ms.Geetanjali Visvanathan,
Ms.Asavari Jain, Advocates.

versus

CHANDER SHEIKHAR MARWAH & ORS Defendants

Through: Mr.C.M. Lal, Senior Advocate with
Ms.Manjula Gandhi, Mr.Ankur Garg,
Mr.Aditya Kapoor, Mr.Siddharth
Sharma, Ms.Charu Tyagi, Advocates
Mr.Sant Lal, Director of defendant
No.2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **02.11.2018**

1. Defendant No.2 present in Court undertakes on behalf of himself as well as defendants No.1 and 3 not to use the plaintiff's trade mark 'BLACK' in any form or any other mark identical or deceptively similar to the plaintiff's logo 'DJARUM BLACK'. Defendant No.2 further undertakes on behalf of himself as well as defendants No.1 and 3 to withdraw their trade mark applications Nos.2347250, 2100840, 2100841, 2100842 and 2100843 and any other related application. Defendant No.2 further undertakes on behalf of himself as well as defendants No.1 and 3 to withdraw their opposition to the plaintiff's trademark application No.2136033. Defendant No.2 admits and acknowledges the plaintiff's trademark 'BLACK' and logo

‘DJARUM BLACK’ to be well known trademarks. The undertaking of the defendants is hereby accepted.

2. Learned counsel for the defendants submits on instructions from Mr.Sant Lal, Director of defendant No.2, who has instructions from defendants No.1 and 3 that the suit be decreed in terms of prayers 23(a) and (b) against defendants No.1 to 3. The suit against defendant No.2 has been decreed in terms of prayer 23(a) and (b) on 08th October, 2018. The suit is decreed against defendants No.1 and 3 in terms of prayers 23(a) and (b).

3. Defendant No.2 undertakes on his behalf and on behalf of defendants No.1 and 3 to pay a sum of Rs.22 lakhs to the plaintiff as settlement amount by means of two demand drafts in favour of the plaintiff’s counsel M/s. Anand and Anand. The aforesaid two demand drafts for Rs.11 lakh each shall be handed over to the plaintiff’s counsel within 30 days from today. The undertaking of the defendants is accepted.

4. In view of the statement made by defendants today in Court, learned counsel for the plaintiff does not press prayers 23(c) to (f).

5. Learned counsel for the plaintiff submits that upon receipt of the aforesaid amount from defendants No.1 to 3, he shall remit the equivalent amount in US dollars to the plaintiff after obtaining necessary approvals from RBI. The plaintiff’s counsel is allowed to do so.

6. There is no appearance on behalf of defendant No.4 who was proceeded *ex parte* on 13th August, 2013. The interim order dated 25th April, 2012 passed against all the defendants including defendant No.4 is continuing till date. The plaintiff has already led evidence to prove claim against all the defendants. In that view of the matter, the suit is decreed in terms of prayers 23(a) and (b) against defendant No.4 also.

7. The suit is disposed of in the above terms. The pending applications are also disposed of. The defendants shall remain bound by undertaking

given to this Court today.

8. This Court appreciates the assistance rendered by learned counsels for the parties.

9. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 02, 2018

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