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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 263/2018

ROCKET TRADEMARKS PTY LTD Plaintiff

Through Mr. Zeeshan Khan, Advocate

versus

M/S RIDHI SIDHI OUTFITS PVT LTD Defendant

Through Mr. Rahul Rajput, Advocate with
Mr. Vikrant Bhanot, Director**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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08.10.2018

Present suit has been filed for permanent injunction restraining infringement of trademark, passing off and damages.

In essence, the present suit has been filed for breach of undertaking dated 1st November, 2014 given by the defendant as well as for infringement



of plaintiff's registered trademark under Section 29(1), 29(2)(c) and 29(3) of the Trade Marks Act, 1999 and for passing off.

Today, learned counsel for the defendant on instruction of Mr. Vikrant Bahnot, Director of the defendant-company, who is personally present, states that he has no objection to the present suit being decreed in accordance with Prayers (A) and (B) of the present plaint.

However, learned counsel for the plaintiff states that he has instructions not to agree for settlement of the matter without costs. He prays that present suit be decreed in accordance with aforesaid Prayer clauses as well as for costs of Rs. 3,50,000/-.

Having heard learned counsel for the parties, this Court is of the view that the costs sought for by the plaintiff are fair and reasonable inasmuch as the defendant had breached an undertaking given to the plaintiff.

Consequently, present suit is decreed in accordance with Prayers (A) and (B) of the plaint as well as for Rs.3,50,000/- as costs which shall be paid by the defendant to the plaintiff through counsel within a period of six months. The goods handed over to the defendant on Superdari shall be opened in the presence of an authorised representative of the plaintiff on 25th October, 2018 and after removing the impugned logo, the goods shall be handed over to a charitable organisation.

Registry is directed to prepare a decree sheet accordingly.

MANMOHAN, J

OCTOBER 08, 2018

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