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

+ **CS(COMM) 618/2018 & IA No. 2455/2018 (u/O XXXIX R-1& 2
CPC)**

BENNETT, COLEMAN AND COMPANY LIMITED & ANR

..... Plaintiffs

Through : Mr. Hemant Singh, Ms. Mamta Jha,
Mr. Pranav Narain, Mr. Shruttima
Ehersa, Advs.

versus

MR. HUBERT LOUIS & ORS

..... Defendants

Through : None

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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13.03.2018

1. This order is in continuation of the earlier order dated 21st February, 2018.
2. Though the report of service of summons issued to the three defendants, namely, (i) Mr. Hubert Louis; (ii) Fourways International LLC; (iii) Enom Inc. is awaited, but the plaintiffs are found to have filed affidavits of compliance and the counsel for the plaintiffs on enquiry states that all the three defendants have been served by courier as well as electronically and the defendant No. 3 Encom Inc., USA has complied with the directions contained in para 11 of the order dated 21st February, 2018.
3. There is no reason to disbelieve the counsel for plaintiff.
4. None appears for either of the three defendants.

5. The defendants having opted not to appear in spite of the interim order against them and of which the defendants are deemed to have knowledge from the compliance by defendant No. 3 of the *ex parte* order, it appears that the defendants are not desirous of contesting the claim in the suit.

6. Though the counsel for the plaintiffs, on enquiry states that the defendants were served by courier on 5th March and by e-mail on 9th March, 2018 and time of 30 days for filing the written statement has not expired but in the circumstances aforesaid, it is not deemed necessary to await the defendants.

7. The defendants are proceeded *ex parte*.

8. The plaintiffs, on the basis of their un-rebutted pleadings and documents, are found entitled to the reliefs claimed of permanent injunction and transfer of the domain name. The counsel for the plaintiffs on enquiry states that the plaintiffs, in the event of said reliefs being granted today will not press for the other reliefs.

9. A decree is accordingly passed in favour of the plaintiffs and against the defendants No.1 and 2 in terms of prayer paragraph 49 (a) and (b) of the plaint dated 19th February, 2018 and a decree is passed in favour of the plaintiffs and against the defendant No. 3 in terms of prayer paragraph 49 (c) of the plaint dated 19th February, 2018, leaving the parties to bear their own costs.

Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

MARCH 13, 2018/SRwt..
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