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

+ CS(COMM) 653/2018 & I.A. 2762/2018

LUXOTTICA GROUP S.P.A

..... Plaintiff

Through: Mr.Hemant Singh, Mr.Waseem Shuib
Ahmed and Ms.Saumya Gupta,
Advocates

versus

M/S SHAM TRADING CO. & ORS

..... Defendants

Through: Mr.Manish Kumar and Mr.Kapil
Chandna, Advocates for D-16

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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06.12.2018

1. Learned counsel for defendant No.16 submits on instruction that defendant No.16 has no objection to the suit being decreed in terms of prayers 40 (b) and 40 (c) of the plaint and damages/cost of Rs.50,000/-.
2. The suit is decreed against defendant No.16 in respect of prayers 40(b) and 40 (c) along with damages/cost of Rs.50,000/-.
3. Learned counsel for defendant No.16 has handed over a cheque for Rs.50,000/- towards the cost to counsel for the plaintiff before this Court.
4. There is no appearance on behalf of defendant No.12 who was proceeded *ex parte* on 05th September, 2018.
5. The suit has been decreed against defendants No.1 to 9 on 10th April, 2018, against defendants No.11 and 15 on 23rd August, 2018 and against defendants No.10, 13, 14, 17, 18 and 19 on 05th September, 2018.
6. The plaintiff is the proprietor of the registered trademark “Ray Ban” and the defendants had been selling the counterfeit products bearing the

trademark “*Ray Ban*” and 1237 pieces of counterfeit products were recovered by Local Commissioner from defendant No.12.

7. This Court is satisfied that the plaintiff is entitled to decree in respect of prayers 40 (b) and 40 (c) and further decree for recovery of damages/cost of Rs.1,00,000/- against defendant No.12.

8. The plaintiff’s prayer for decree against the defendant No.12 is allowed and the suit is decreed against defendant No.12 in respect of prayers 40 (b) and 40 (c) of the plaint with a further decree for recovery of damages/cost of Rs.1,00,000/-.

9. Pending applications disposed of.

J.R. MIDHA, J.

DECEMBER 06, 2018
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