

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(COMM) 821/2018 & I.A. 5623-5624/2018

THE BEAUTY BUSINESS

Through

..... Plaintiff

Ms. Geetanjali Visvanathan with
Ms. Asavari Jain and Ms. Prakriti
Sharma, Advocates.Mr. Rahul Sharma, Proprietor of
plaintiff.

versus

MR RAJU BHIMANI & ANR Defendants

Through

Mr. Rahul Vidhani, Advocate for
D-1 with D-1.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

%

03.12.2018

Present suit has been filed for permanent injunction restraining infringement of trade mark, passing off, dilution and tarnishment, delivery up, rendition of accounts and damages.

In pursuance to the last order, Proprietor of plaintiff and defendant no. 1, who is also the Director of defendant no. 2 are personally present in Court.

After some arguments, learned counsel for the defendants states that defendants have no objection if the present suit is decreed in accordance with paragraph 35(a), (b) and (c) of the plaint. He further states that the defendants shall withdraw their trade mark applications bearing TM Nos.

2651180 and 2779694 for the marks VELVET SLEEK and VELVET SLICK respectively. He also states that the defendants shall pay a sum of Rs. 1,00,000/- as cost.

Learned counsel for the plaintiff states that in view of the aforesaid statements and undertakings, she does not wish to press for any other or further relief. She also states that she has no objection if the cost is used for a charitable purpose.

The aforesaid statements and undertakings made by learned counsel for the defendants are accepted by this Court and defendants are held bound by the same.

Consequently, present suit is decreed in accordance with paragraph 35(a), (b) and (c) of the plaint as well as aforesaid statements and undertakings given by learned counsel for the defendants. The cost of Rs. 1,00,000/- shall be paid to All India Medical Sciences, New Delhi within two weeks and a receipt of the same shall be filed within one week thereafter. The pending applications stand disposed of. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector the half amount of the Court fee paid by it in the present suit.

MANMOHAN, J

DECEMBER 03, 2018

rn