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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 557/2016, CCP(O) 96/2014, I.As. 10519/2014,
11813/2014, 12727/2014 & 14675/2014**

SONIA CHADHA

..... Plaintiff

Through: Mr. Sachin Chopra, Advocate
(M:9910827777) with Mr. Himanshu
Chadha, Husband of the Plaintiff.

versus

AMIT JAIN & OTHERS

..... Defendants

Through: Mr. S.K. Bansal, Mr. Kapil Kumar
Giri and Mr. Vinay Kumar Shukla,
Advocates (M:9899739391) with Mr.
Amit Jain, Defendant No.1.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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03.10.2018

1. Upon mentioning, records of CS(COMM) 1070/2016 are called. Let the matter be listed in the fresh supplementary list.
2. The disputes in the present case are in respect of the “Nimson” logo of the Plaintiff. The Plaintiff has alleged that the logo used by the Defendants for its mark “Kingson” is an imitation of the Plaintiff’s logo. Accordingly, the present suit was filed seeking an injunction in respect of “Kingson” logo.
3. On behalf of the Plaintiff, Mr. Himanshu Chadha husband of the Plaintiff and on behalf of the Defendant, Mr. Amit Jain are present in Court today. Their statements have been recorded.

4. The parties have arrived at a settlement on the following terms: -
- (1) The Plaintiff has no objection to the Defendants using the trademark “Kingson”.
 - (2) Insofar as the infringing “Kingson” logo is concerned, the Defendants have agreed to modify and change the logo in the following manner: -



- (3) The Defendants agree not to revert to the earlier logo or use any other logo which is an imitation of or is similar to the Plaintiff's “Nimson” logo.
- (4) The Defendants also agree and undertake to withdraw CS(COMM) 1070/2016.
- (5) Criminal complaint vide FIR No.974/2014 had remained pending in view of the disputes which had arisen in the present case. Parties jointly agree that the said criminal complaint would not be pursued and they would jointly cooperate with each other to seek quashing of the said criminal complaint.
- (6) Neither party would give any publicity to the present order.

The disputes between the parties have been comprehensively settled. The suit is thus decreed in respect of the impugned “Kingson” logo in the following terms:

- i. “A decree of permanent injunction is granted restraining the

defendants, their proprietor/partners/directors, as the case may be, their servants/agents/stockiest(s)/dealers, representatives, wholesalers and/or others acting for and on their behalf from manufacturing, selling offering for sale cosmetics and/or other cognate and/or allied goods under the impugned 'Kingson' logo or any other mark of logo which is identical or deceptively similar to the Plaintiff's mark/logo 'Nimson'. The defendants are permitted to the use of "Kingson" logo as extracted in para (2) of the settlement terms."

(ii) The settlement terms above shall form part of the decree;

(iii) The relief of damages or costs is not pressed.

5. Decree sheet be drawn accordingly. All pending I.As are disposed of.

PRATHIBA M. SINGH, J.

OCTOBER 03, 2018

Rekha