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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 957/2018 & I.A. 13072/2018

MARICO LIMITED

Through

..... Plaintiff

Ms. Shikha Sachdeva with
Ms. Mugdha Palsule and Ms. Kripa
Pandit, Advocates

versus

M/S. KANIKA IMPETUS & ORS. Defendants

Through

Mr. Shailen Bhatia with Mr. Amit
Jain and Ms. Neelam Pathak,
Advocates. D-3 in person.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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31.10.2018

Present suit has been filed for injunction and damages for infringement of trademarks and copyright, passing off and unfair trade competition.

This Court vide a detailed order dated 1st June, 2018 had granted an ex-parte ad interim injunction, which was confirmed on 13th September, 2018.

Today, learned counsel for the defendants, on instruction of defendant no. 3 who is personally present in Court, states that he has no objection if the present suit is decreed in accordance with prayers (A)(i), (ii) and (iii) of the plaint. He, however, states that the defendants shall use a new

trademark/label as well as design of the bottles in future. In fact, he has today in Court handed over the same which is taken on record and placed in a sealed envelope marked as Annexure C-1.

Learned counsel for the plaintiff states that she has no objection to the defendant using the new trade dress, design of bottle as well as the word 'JASMINE'. She prays that not only the cost of Rs. 6,50,000/- be awarded to the plaintiff but the word 'JASMINE' be not written in the same font as that of the plaintiff. Learned counsel for the plaintiff states that in the event, the defendants are agreeable to the same, she will give up other and further reliefs.

Learned counsel for the defendants, on instruction, states that he has no objection to the same.

The statements/undertakings given by learned counsel for the parties are accepted by this Court and parties are held by the same.

Keeping in view the large turnover of the plaintiff, this Court directs cost of Rs. 6,50,000/- be paid by the defendants to Lok Nayak Hospital, New Delhi within four weeks.

Accordingly, the present suit is decreed in aforesaid terms. Registry is directed to prepare a decree sheet.

With the aforesaid directions, present suit and pending application stands disposed of.

MANMOHAN, J

OCTOBER 31, 2018

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