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

+ **CS(COMM) 345/2017**

SUPERON SCHWEISSTECHNIK INDIA LIMITED Plaintiff

Through Mr.Sanjeev Singh with
Mr.D.K.Yadav, Advocates.

versus

RUKHMANI ELECTRODES PVT. LTD & ANR Defendants

Through Mr.Afzal B.Khan, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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01.03.2018

Present suit has been filed for permanent injunction restraining infringement, passing off, rendition of accounts and damages with regard to the plaintiff's mark 'SUPERON'.

The learned predecessor of this Court vide order dated 13th July, 2015 had restrained the defendants from using the plaintiff's colour scheme, swirl device, getup and layout in their packaging.

Today learned counsel for the defendants states that the defendants shall in future use the mark 'SUPERLINK' without a swirl device and shall not use the plaintiff's colour scheme, getup and layout in their packaging. He further states that the defendants are willing to pay the costs of Rs.30,000/- to the plaintiff.

However, learned counsel for the plaintiff states that the plaintiff is not willing to accept such a small cost. He prays that the suit be decreed without any costs.

The statements made by learned counsel for the parties are accepted by this Court and the parties are held bound by the same. However, the defendants are directed to deposit Rs.30,000/- as costs with the Lok Nayak Hospital, New Delhi within a period of four weeks. Let a copy of the receipt of payment be filed within one week thereafter.

Consequently, the suit is decreed in view of the aforesaid statements. Registry is directed to prepare a decree sheet.

Since the matter has been settled before framing of issues, Registry is also directed to issue to the plaintiff a certificate authorizing it to receive back from the Collector the full amount of the court fee paid by it in the present suit.

Accordingly the present suit and pending applications stand disposed of.

MANMOHAN, J

MARCH 01, 2018
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