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

+ **CS(COMM)1454/2016 & I.A.No.12303/2015**

PEPS INDUSTRIES PVT LTD. Plaintiff

Through **Ms.Suveni Bhagat, Advocate.**

versus

SHAKTI MATTRESSES & GEARS PVT LTD. Defendant

Through **None**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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05.03.2018

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

Vide order dated 14th September, 2017, this Court had confirmed the *ad interim* injunction order dated 29th May, 2015 till the disposal of the suit. The said order was carried forward in appeal by the defendant. The said appeal being FAO(OS)(COMM) No.187/2017 was disposed of by the Division Bench vide order dated 29th January, 2018. The said order is reproduced hereinbelow:-

“Counsel for the parties state that the matter has been settled outside the Court. Counsel for the appellant seeks and is granted permission to place on record his affidavit-cum-undertaking that he would not use the mark “Spineguard” or any other identical or deceptively similar mark in future and

the appellant has changed his trademark to “Orthoguard”.

The appeal is disposed of in view of the said statement and undertaking.

Counsel for the parties state that they would be moving an application under Order XXXIII, Rule 1 of the Code of Civil Procedure, 1908 before the single Judge.

There would be no order as to costs.”

In view of the aforesaid Division Bench order, no further orders are called for in the present suit. Accordingly, the same stands disposed of in accordance with Order XXIII Rule 1 CPC.

MANMOHAN, J

MARCH 05, 2018

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