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

+ CS(COMM) 1125/2018, IA Nos.12686/2018 & 13000/2018

TATA SONS PRIVATE LIMITED Plaintiff

Through: Mr.Pravin Anand, Mr.Achuthan Sreekumar
and Mr.Akshay Agarwal, Advocates

versus

YOUNIS WANI & ORS. Defendants

Through: Mr.Mahfooz Nazki and Mr.Avinash
Tripathi, Advocates for D-1

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **26.11.2018**

1. Defendant No.1 has filed an undertaking on his behalf as well as on behalf of other defendants.
2. The undertaking of the defendants is hereby accepted.
3. Learned counsel for the defendants submit that the defendants have no objection to the suit being decreed in terms of prayers 41(i), (ii), (iii) and (iv) of the plaint.
4. With respect to prayer 41(v), the defendants have already removed/destroyed the impugned mark/ device, dies, blocks, cartons, labels, carry bags and other infringing material.
5. Learned counsel for the plaintiff gives up prayer 41(vi) and (vii). With respect to prayer 41(viii), learned counsel for the plaintiff presses for the cost of litigation.

6. Learned counsel for the defendants submit that the defendants are small businessmen and a lenient view be taken against the defendants.
7. The defendants are directed to pay Rs.40,000/- as cost of litigation to the plaintiff within a period of 6 weeks from today.
8. Learned counsel for the plaintiff seeks refund of the Court Fees. Registry is directed to issue a certificate to the plaintiff for refund of 50% of the Court Fees under Section 16 A of the Court Fees Act.
9. Suit and pending applications are disposed of in the above terms.
10. Copy of this order be given dasti under signatures of the Court Master to the parties.

J.R. MIDHA, J.

NOVEMBER 26, 2018
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