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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1123/2018 & I.A. 12676/2018, I.A. 12680/2018

PEPSICO, INC.

..... Plaintiff

Through

Mr. Kunal Mimani, Advocate

versus

M/S SHIV SHAKTI SPORTS Defendant

Through

Ms. Geeta Rani, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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03.12.2018

Present suit has been filed for permanent injunction restraining infringement and passing off, dilution and unfair trade competition and for damages under Sections 27 and 29 of the Trade Marks Act, 1999.

This Court vide a detailed ex-parte order dated 18th September, 2018 had restrained the defendant from using any mark which may be identical and/or deceptively similar to the plaintiff's registered PEPSI marks, in any manner whatsoever.

Today, learned counsel for the defendant states that the defendant has no objection if the present suit is decreed in accordance with paragraph 20(i) and (ii) of the plaint. She further states that the defendant is willing to pay cost of Rs. 50,000/- to the plaintiff through counsel within one week.

Learned counsel for the plaintiff states that in view of the aforesaid statements and undertakings, he does not wish to press for any other or further relief. He also states that he has no objection if the cost is used for a charitable purpose.

The aforesaid statements and undertakings made by learned counsel for the defendant is accepted by this Court and defendant is held bound by the same.

Consequently, present suit is decreed in accordance with paragraph 20(i) and (ii) of the plaint as well as aforesaid statements and undertakings given by learned counsel for the defendants. The cost of Rs. 50,000/- shall be paid to Lok Nayak Hospital, New Delhi within two weeks and a receipt of the same shall be filed within one week thereafter. The pending applications stand disposed of. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

MANMOHAN, J

DECEMBER 03, 2018

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