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

+ **CS(COMM) 555/2017 & I.A.No.9576/2017**

HSIL LIMITED

..... Plaintiff

Through Mr.Manav Gupta with Mr.Sahil Garg
and Ms.Esha Dutta, Advocates.

versus

WADHWA HARDWARES & ANR

..... Defendants

Through Mr.Jayant Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **12.01.2018**

Present suit has been filed for permanent injunction restraining infringement of trademarks, infringement of copyright, misrepresentation, passing off, unfair competition dilution, damages and delivery up.

On 24th August, 2017 this Court had passed an *ex parte* order restraining the defendants from using the trade mark HINDUSTAN VITREOUS/H VITREOUS or HINDWARE or any other mark that is deceptively similar to the trademarks of the plaintiff or its products in any manner whatsoever. On the said date, the Court had also appointed a Local Commissioner to visit the premises of the defendants along with one representative of the plaintiff.

The Local Commissioner seized certain products during her visit. However, subsequently the defendants filed an application stating that the products seized by the Local Commissioner bearing the mark HINDWARE had been purchased by the defendants from the plaintiff's authorized distributors/dealers/stockists.

As the invoices produced by the defendants were admittedly genuine, this Court vide order dated 28th November, 2017⁷⁷ cancelled the *superdarinama* dated 31st August, 2017 and permitted the defendants to sell the goods sealed by the Local Commissioner vide order dated 24th August, 2017.

Today learned counsel for the defendants states that though the defendants had never misused the mark of the plaintiff, yet he has instructions to state that the defendants shall not misuse mark of the plaintiff HINDUSTAN VITREOUS/H VITREOUS or HINDWARE or any other mark that is deceptively similar to the trademarks of the plaintiff. He further assures this Court that the defendants shall only sell the genuine products of the plaintiff.

In view of the aforesaid statements, learned counsel for the plaintiff does not wish to press the present suit any further.

The statements and undertakings given by both the parties are accepted by this Court and the parties are held bound by the same. 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 it to receive back from the Collector full amount of the Court fee paid by it in the present suit.

With the aforesaid observations, present suit and pending

application stand disposed of.

The interim order dated 24th August, 2017 stands vacated.

MANMOHAN, J

JANUARY 12, 2018
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