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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 554/2017 & I.As. 9570-9572/2017

HSIL LIMITED

..... Plaintiff

Through: Mr. Manav Gupta, Advocate with
Ms. Prabhsahay Kaur, Mr. Sahil Garg,
Ms. Esha Dutta, Advocates.

versus

RISHI TILES AND MARBLE

..... Defendant

Through: Mr. Ankur Gupta, Advocate with
Mr. Mukul Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

12.01.2018

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

On 24th August, 2017 this Court had passed an ex parte order restraining the defendant 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 defendant along with one representative of the plaintiff.

The Local Commissioner in its report dated 06th September, 2017 has

stated that no infringing goods were found at the defendant's premises.

Learned counsel for defendant states that though he has filed an application under Order VII Rule 11 CPC, yet he has instructions to state that the defendant shall not use the trade mark HINDUSTAN VITREOUS/H VITREOUS or HINDWARE or any other mark that is deceptively similar to the trademarks of the plaintiff.

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

The statements made by both the learned counsel are accepted by this Court and 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.

MANMOHAN, J

JANUARY 12, 2018

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