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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 666/2017 & IA No.11477/2017 (under Order XXXIX Rules 1&2 CPC).

C & S ELECTRIC LIMITED Plaintiff
Through: Mr. C.M. Lall, Sr. Adv. with Ms. Nancy Roy, Adv.

versus

WARIS SAIFI & ANR Defendants
Through: Mr. Amit Saxena, Adv. for D-1.
Mr. Waris Ali and Ms. Yashaswi S.K. Choksey, Adv. for D-2.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.01.2018**

1. The plaintiff has instituted this suit against the two defendants namely (a) Waris Saifi; and, (b) Shakruddin S. Saifi, (i) for permanent injunction restraining infringement of copyright; (ii) for mandatory injunction directing the defendants to remove all the infringing material from their website, products, brochures, promotional material or any other material; and, (iii) for ancillary reliefs.
2. The suit was entertained and vide *ex parte* interim order dated 27th September, 2017 an *ex parte* injunction was granted in favour of the plaintiff and against the defendants in terms of prayers 'A' and 'B' of IA No.11477/2017.
3. The defendants have filed written statement.
4. The senior counsel for the plaintiff states that the written statement though permitted to be filed within extended time till 7th December, 2017 has been filed on 6th January, 2018 and that too without any application for condonation of delay.
5. The counsel for the defendants states that the written statement has been filed within 90 days of service.

6. A defendant does not have a right to file written statement in 90 days and has to seek extension of time and/or condonation of delay in filing beyond 30 days.
7. The counsel for the defendants then states that the defendants have complied with the *ex parte* injunction and have also removed all infringing material from their website and other promotional material and have no objection to and are agreeable to a decree for permanent injunction being passed in favour of the plaintiff and against the defendants as sought.
8. The senior counsel for the plaintiffs under instructions seeks costs.
9. The counsels have been heard on this aspect.
10. After hearing the counsels, the cost of the suit is assessed as under:-
 - (i) Subject to the defendants paying Rs.3,00,000/- towards cost by 25th January, 2018, the decree for costs shall stand satisfied; and,
 - (ii) if however the cost of Rs.3,00,000/- is not paid by 25th January, 2018, the decree for costs thereafter shall be for Rs.5,00,000/-.
11. A decree is accordingly passed in favour of the plaintiff and jointly and severally against the two defendants (i) for permanent injunction in terms of prayer paragraph 'A' of the plaint verified on 26th September, 2017; and, (ii) for mandatory injunction in terms of prayer 'B' in the plaint verified on 26th September, 2017 and for cost as aforesaid.
12. Decree sheet be drawn up.
13. The date of 8th February, 2018 before the Joint Registrar stands cancelled.

RAJIV SAHAI ENDLAW, J

JANUARY 11, 2018
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