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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 892/2017 & I.A. 15563/2017

AKTIEBOLAGET VOLVO & ORS Plaintiffs
Through: Ms. Prakriti Sharma, Advocate.

versus

M/S VOLVO LUXURY BUSES Defendant
Through: None.

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Date of Decision: 13th March, 2018

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present suit has been filed for permanent injunction restraining infringement of trade mark/name, passing off, damages, delivery up, etc.
2. By way of an ex parte ad interim injunction order dated 22nd December, 2017, this Court had restrained the defendant from using the mark/name VOLVO or any mark/name similar to the plaintiffs' trade mark/name VOLVO in any manner whatsoever including as a trading style/name or a domain name.
3. In response to the summons received, the proprietor of defendant firm had appeared before the Joint Registrar on 06th March, 2018 and made a statement that he does not wish to contest the present suit.

4. In view of the aforesaid fact, the defendant is proceeded ex parte.
5. This Court is also of the view that the present suit can be disposed of without any further delay. A Coordinate Bench of this Court in ***Satya Infrastructure Ltd. and Ors. Vs. Satya Infra & Estates Pvt. Ltd., 2013 SCC OnLine Del 508*** has held as under:-

“I am of the opinion that no purpose will be served in such cases by directing the plaintiffs to lead ex parte evidence in the form of affidavit by way of examination-in-chief and which invariably is a repetition of the contents of the plaint. The plaint otherwise, as per the amended CPC, besides being verified, is also supported by affidavits of the plaintiffs. I fail to fathom any reason for according any additional sanctity to the affidavit by way of examination-in-chief than to the affidavit in support of the plaint or to any exhibit marks being put on the documents which have been filed by the plaintiffs and are already on record. I have therefore heard the counsel for the plaintiffs on merits qua the relief of injunction.”

6. Accordingly, the present suit is decreed in favour of the plaintiffs and against the defendant in accordance with paragraph 25(a) and (b) of the present plaint. Registry is directed to prepare a decree sheet in accordance with paragraph 25(a) and (b) of the plaint.
7. With the aforesaid observations, present suit and pending application stand disposed of.

MANMOHAN, J

MARCH 13, 2018

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