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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 67/2019 & I.A. 1907/2019

MARICO LIMITED

..... Plaintiff

Through: Ms. Anuradha Salhotra, Advocate with
Mr. Zeeshan Khan and Ms. Achal
Shekhar, Advocates.

versus

MR. JAY KUMAR BANGEJA & ORS.

..... Defendants

Through: Mr. Aayushmaan Gauba, Advocate with
Mr. Dheeraj Seth and Ms. Gunjan
Chhabra, Advocates with Mr. Jay Kumar
Bangeja, defendant No.1 in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

20.03.2019

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Present suit has been filed for injunction and damages for passing off, infringement of trade mark as well as copyright.

This Court vide a detailed ex parte order dated 07th February, 2019 had restrained the defendants from manufacturing, distributing, exporting, selling, offering for sale, advertising, promoting, displaying and/or using the impugned product namely PRESIDENT, PRESIDENT PREMIUM, POOJA, PRECEDENT and PRECEDENT/PRESIDENT AMLA and/or any other product bearing any other mark/label/trade dress packaging/bottle shapes identical and/or deceptively and/or confusingly similar to the plaintiff's registered trademarks/labels, in any manner whatsoever.

Today, learned counsel for defendants, on instructions of Mr. Jay Kumar Bangeja, defendant No.1, who is personally present in Court, states that he has no objection if the present suit is decreed in accordance with para 57A (i), (ii)

& (iii) of the plaint. He also states that the defendants shall not use the NEHA COCONUT HAIR OIL Sticker seized by the Local Commissioner in the raid. Learned counsel for defendants has handed over a label as well as the design of the bottles in which the defendants wish to sell their AMLA HAIR OIL and COCONUT OIL. The same are taken on record. Learned counsel for the defendants further agrees that the products sealed and seized during the commission executed on 14th February, 2019 would be destroyed in the presence of the representative of plaintiff, within three weeks from today. He lastly states that the defendants are willing to pay costs of Rs.10 lacs within a period of two months.

In view of the aforesaid statements/undertakings, learned counsel for plaintiff does not wish to press for any other or further reliefs. She agrees that the costs be used for a charitable purpose.

Accordingly, the costs of Rs.10 lacs is directed to be deposited with AIIMS Poor Fund Account No.10874588424 with SBI, Ansari Nagar, New Delhi (IFSC Code : SBIN0001536) within a period of two months.

The statements/undertakings given by the learned counsel for defendants are accepted by this Court and defendants are held bound by the same. Registry is directed to prepare a decree sheet accordingly.

Registry is directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her 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.

Order dasti.

MANMOHAN, J

MARCH 20, 2019/js