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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 68/2018 & I.A. 20732/2013

MANISH SHARMA

..... Plaintiff

Through

Dr. Chandra Shekhar, Advocate

versus

M/S APPARELS INDIA NA DNAR Defendant

Through

Mr. Vikas Bhatia, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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10.01.2019

Present suit has been filed for permanent injunction restraining passing off, dilution and tarnishment, rendition of accounts of profits, damages and delivery up.

On 12th October, 2018, defendant no. 2, who is the Sole Proprietor of defendant no. 1 had made a statement before learned Joint Registrar that she had stopped the business and would not use mark VIVAH COLLECTION or the mark VC as mentioned in paragraph 10 of the plaint.

On 14th November, 2018, the defendant no. 2 had stated before this Court that defendant no. 1-firm had been closed on 31st March, 2017 and the suit premises had been vacated and possession of the same had been handed over to the landlord. Defendant no.2 had further stated that Mr. Vineet Kumar, S/o. Mr. Sanjay Kumar was running a business in the name of 'CKH Vivah Collection in the premises in question i.e. 28, GD Block, Opposite Metro Pillar No. 364-365, Ground Floor, Pitampura, Delhi – 110 034 with

effect from 1st April, 2018.

On 7th December, 2018, the defendants had categorically stated that they have no connection with Mr. Vineet Kumar, S/o. Mr. Sanjay Kumar.

On 17th December, 2018, defendant no. 2 has filed an affidavit. The relevant portion of the said affidavit is reproduced hereinbelow:-

- “2. *That I was running the Garment Business in the name and style of M/s. Apparels India situated at G.D-28, Pitampura, Delhi which has been shut down on 31st March, 2017 and handed over the Vacant Premises to the landlord of the shop bearing No. GD-28, Pitampura, Delhi.*
3. *That I have no concern with Mr. Vineet Kumar S/o Shri Sanjay Kumar.”*

In view of the aforesaid, no further adjudication is required.

The statements and undertakings given by learned counsel for the defendants are accepted by this Court and the said defendants are held bound by the same.

Accordingly, present suit is decreed in accordance with the aforesaid statements/undertakings. Registry is directed to prepare a decree sheet accordingly.

Plaintiff is given liberty to file independent proceedings, if he so desires, against Mr. Vineet Kumar, S/o. Mr. Sanjay Kumar. The rights and contentions of all parties are left open.

MANMOHAN, J

JANUARY 10, 2019

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