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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 636/2018

DKH RETAIL LIMITED

..... Plaintiff

Through: Mr. Dhruv Anand, Advocate with
Mr. Nischay Mall, Advocate.

versus

SANTOSH & ANR.

..... Defendants

Through: Mr. Santosh, 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 permanent injunction restraining infringement of trade marks, passing off, unfair competition, dilution and tarnishment, damages or rendition of accounts, delivery up etc.

The allegation in the plaint is that the defendants are selling and manufacturing fake trousers and clothes under the brand name SUPERDRY.

This Court vide a detailed ex parte ad interim order dated 23rd February, 2018 had restrained the defendants from importing, manufacturing, warehousing, selling and/or offering for sale, advertising, directly or indirectly dealing in any manner, in any goods bearing the

plaintiff's trademarks SUPERDRY and

The logo for Superdry, featuring the word "Superdry" in a stylized, bold, sans-serif font. The "S" is large and prominent, and the "dry" is in a smaller font size. The logo is black.

or any other similar

marks.

Today, defendant No.1, who is also the sole proprietor of defendant No.2 states that he has no objection if the present suit is decreed in accordance with para 47(i), (ii) and (iii) of the plaint. He further states that he shall pay costs of Rs.2 lacs in four equated monthly installments commencing from 15th April, 2019 by cheque to learned counsel for plaintiff. He also states that the goods handed over on Superdari to the defendants by the Local Commissioner, shall be delivered up to the plaintiff for destruction within one week.

In view of the aforesaid statements/undertakings, learned counsel for plaintiff does not wish to press for any other or further reliefs.

The statements/undertakings given by the defendant No.1 and sole proprietor of defendant No.2 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 half the amount of the Court fee paid by it in the present suit.

Learned counsel for the plaintiff is granted leave to approach the RBI in accordance with law for remittance of monies paid to the plaintiff.

With the aforesaid observations, present suit and pending application stand disposed of.

MANMOHAN, J

MARCH 20, 2019

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