

\$~OS-2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 278/2017**

FOODCRAFT INDIA PRIVATE LIMITED..... Plaintiff
Through Ms.Nancy Roy, Adv.

versus

SAURABH ANAND TRADING AS URBAN PALLETTE
RESTAURANTS & ORS Defendant
Through Mr.Santosh Chaudhary, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 16.01.2019

This suit is filed by the plaintiff seeking a decree of permanent injunction to restrain the defendants, their directors, principals, partners etc. from using in any manner whatsoever the impugned mark CURRY HAUS or any other mark which is deceptively and/or confusingly similar to the plaintiff's well known trade marks ASIAN HAUS and SUSHI HAUS.

It has been the case of the plaintiff that they have been using this mark since 8.8.2012 and have rights on the same.

Learned counsel appearing for the defendant states that they have stopped using the said impugned mark CURRY HAUS and will also not use the same in future and will also not use any mark which is deceptively or confusingly similar to the plaintiff's trademark ASIAN HAUS and SUSHI HAUS.

In view of the above submissions of learned counsel for the defendant a decree is passed in favour of the plaintiff and against the defendants in terms of prayer A and B (i) and (ii). Plaintiff will also be entitled to actual costs. An affidavit of costs be filed within two weeks.

Suit stands disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

JANUARY 16, 2019

n