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

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CS(COMM) 1277/2018 & I.As. 16846/2018 AND 17695/2018

SURYA FOOD AND AGRO LIMITED ..... Plaintiff  
Through: Mr. N. Mahabir, Advocate

versus

ANIL KUMAR DHIR & ANR. .... Defendants  
Through: Mr. Kapil Kher, Advocate with Mr. D.R.  
Bhatia and Ms. Vasundhara Nayyar,  
Advocates.

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

**ORDER**  
**07.01.2019**

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Present suit has been filed for injunction restraining infringement of copyright and passing off, rendition of accounts, damages etc.

This Court vide a detailed order dated 10<sup>th</sup> December, 2018 had restrained the defendants from selling or promoting any product under the packaging, get up, trade dress of the product BUTTER MUNCH or any packaging, get up, trade dress similar to the plaintiff's product BUTTER DELITE.

Today, learned counsel for defendants has handed over a modified packaging/trade dress of the defendants' product. The same is taken on record and marked as Ex.C1 (Colly).

Learned counsel for defendants undertakes to this Court that in future

the defendants shall use the modified packaging for sale of their products. Learned counsel for defendants further states that the defendants have no objection if the present suit is decreed in accordance with paragraph 28(i) and (ii) of the plaint. He, however, clarifies that defendants are in possession of 1700 cartons of biscuits with the impugned packaging which had been seized by the Local Commissioner.

Learned counsel for plaintiff gives up relies prayed for in paragraph 28(iii) to (vi) of the plaint and states that the plaintiff has no objection to the sale of the goods handed over to the defendants on Superdari by the Local Commissioner.

The statements/undertakings given by both the learned counsel are accepted by this Court and parties are held bound by the same.

Registry is directed to prepare decree sheet accordingly. Registry is also 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. The interim order dated 10<sup>th</sup> December, 2018 stands modified in the aforesaid terms.

The next dates of hearing i.e. 22<sup>nd</sup> January, 2019 and 18<sup>th</sup> February, 2019 stand cancelled.

**MANMOHAN, J**

**JANUARY 07, 2019**

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