

\$~3

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

+ CS(COMM) 1280/2018 & I.A.No.16942/2018

VALVOLINE LICENSING AND INTELLECTUAL PROPERTY
LLC & ANR. Plaintiffs

Through Mr.Peeyoosh Kalra with
Mr.C.A.Brijesh and Mr.Dhruv
Grover, Advocates.

versus

TEJMEET SINGH SETHI Defendant

Through Mr.H.P.Singh with Mr.Niloy
Dasgupta, Advocates with defendant
in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **28.02.2019**

Present suit has been filed under Sections 134 & 135 of the Trademarks Act, 1999 for permanent injunction against infringement of trademark, passing off, unfair competition, rendition of accounts, damages and delivery up.

Today learned counsel for the defendant, on instructions of the defendant who is personally present in Court, states that he has no objection if the present suit is decreed in accordance with para 37 (A) (i) & (ii) of the prayer clause. The defendant acknowledges the rights of the plaintiffs in the impugned trademarks and accepts the plaintiffs

as the owner of VALVOLINE, ALL FLEET and  marks.

Learned counsel for the defendant undertakes to this Court that the defendant shall withdraw the 18 registration applications filed by him, within two weeks. He also assures and undertakes to this Court that the two trademarks that have proceeded to registration bearing nos.3719872 and 3688034 shall be unconditionally withdrawn by filing a TM-P form within two weeks.

Learned counsel for the defendant further states that the defendant is willing to pay costs of Rs.2 lakhs.

In view of the aforesaid undertaking, learned counsel for the plaintiffs does not wish to press the present suit for any other and/or further relief. He also fairly states that the costs be given for a charitable purpose.

The statements/undertakings given by learned counsel for the defendant are accepted by this Court and the defendant is held bound by the same.

Let the costs of Rs.2 lakhs be deposited with AIIMS Poor Fund Account No.10874588424 with SBI, Ansari Nagar, New Delhi (IFSC Code : SBIN0001536) within a period of two weeks.

Consequently, the present suit is decreed in terms of para 37 (A) (i) & (ii) of the prayer clause as well as the statements/undertakings given by learned counsel for the defendant. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiffs a certificate authorizing him/her to receive back from the Collector the full amount of the Court fee paid by them in the present suit.

In view of the above, present suit and pending application stand disposed of.

MANMOHAN, J

FEBRUARY 28, 2019
KA