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

+ **CS(COMM) 1282/2018 & I.A.No.17001/2018**

DHARMAPAL SATYAPAL SONS PVT LTD Plaintiff

Through Mr.Pravin Anand with Ms.Vaishali
Mittal and Mr.Siddhant Chamola,
Advocates.

versus

USHA GOYAL & ORS Defendants

Through Mr.Vaibhav Sharma, Advocate for D-
1 to 3 with defendant in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **26.02.2019**

Present suit has been filed for infringement of trademark, copyright, passing off trade dress, layout, colour combination, get up and unfair trade practice, rendition of accounts of profit, delivery up, damages etc.

This Court vide a detailed *ex parte* order dated 12th December, 2018 had restrained the defendants from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in any manner with agricultural products and/or any other product and/or services including but not limited to hard flavoured candies and/or fruit candies and/or any other goods and services using the mark 'PLUSS', 'PLUSS+' and/or any other mark containing the plaintiff's trademark 'PULSE' as well as the plaintiff's labels.

Today learned counsel for defendant nos.1 to 3, on instructions of defendant nos.1 to 3 who are personally present in Court, states

that the said defendants have no objection if the present suit is decreed in accordance with paragraph 98 (i) and 98 (ii) of the plaint in its entirety. He further states that the defendant nos.1 to 3 shall pay the costs of Rs.10 lakhs to the plaintiff.

In view of the above, learned counsel for the plaintiff does not wish to press the present suit for any other and/or further relief.

Learned counsel for the plaintiff wishes to delete defendant no.4. Accordingly, the said defendant is deleted from the array of defendants. Let an amended memo of parties be filed within one week.

The statement/undertaking given by learned counsel for defendant nos.1 to 3 is accepted by this Court and the said defendants are held bound by the same.

Consequently, the suit is decreed in accordance with the paragraph 98 (i) and 98 (ii) of the plaint as well as the statement/undertaking given by learned counsel for defendant nos.1 to 3. Registry is directed to prepare a 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 the 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.

MANMOHAN, J

FEBRUARY 26, 2019
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