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

+ **CS(COMM) 1312/2018 & I.A. 17703/2018**

DKH RETAIL LIMITED

..... Plaintiff

Through: Mr. Dhruv Anand, Advocate with Ms.
Udita Paira, Advocate.

versus

ZUPERDRY JEANS

..... Defendant

Through: Mr. Aditya Swarup, Advocate with
Mr. Rupin Bahl and Mr. Karan Bajaj,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.07.2019

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1. Learned counsel for the Defendant, on instructions from his client who is present in the Court today, submits that subject to Petitioner giving up its relief for damages, his client has no objection in case the suit is decreed against him in terms of prayer at para 48 (i), (ii) and (iii) of the plaint. Defendant also has no objection to return of the goods seized by the Local Commissioner appointed by the court.

2. Learned counsel for the Petitioner, on the other hand, submits that since the Defendant has indulged in counterfeiting, while decreeing the suit in terms of the aforesaid prayers, the Defendants should also be burdened with costs, which can be ordered to be paid to a charitable organisation.

3. Accordingly, the suit is decreed in favour of the Plaintiff in terms of prayer at para 48 (i), (ii) and (iii).

4. The Defendant undertakes that within a period of two weeks from today, the goods that were seized by the Local Commissioner during the execution of the commission and are lying in *superdari* with the Defendant shall be handed over to the Plaintiff. Defendant's counsel prays that in case, the infringing labels can be severed from the goods, the same shall be done to the satisfaction of the Plaintiff or otherwise the goods would be destroyed in the presence of the Plaintiff's representatives. Learned Counsels shall coordinate with each other to do the needful within the time stipulated above.

5. Further, the Defendant is ordered to pay costs of Rs. 75,000/- by way of donation to Gyan Sewa Trust having its registered office at C-253, Defence Colony, New Delh-110 024. Defendant undertakes to make the aforesaid payment within a period of six weeks. The copy of the receipt shall be provided to the Learned Counsel for the Plaintiff and also filed before this court within one week after the date of payment.

6. Decree sheet be drawn up.

SANJEEV NARULA, J

JULY 17, 2019/ss

