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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 665/2019 & I.A. 17199/2019**
VESTIGE MARKETING PRIVATE LIMITED Plaintiff
Represented by: Mr.Rajat Jain, Adv. with Mr.Aditya
Dhar, Adv.

versus

VESTIGE LABS PVT. LTD. & ORS. Defendant
Represented by: Mr.Karan Singh, Adv. for D1, D2 and
D3 alongwith D2 and D3 in person

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.02.2020

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1. Plaintiff has filed the present suit, inter alia, seeking a decree of permanent injunction restraining the defendants, their Directors, partners, promoters, distributors, dealers, retailers etc. from infringing or using the trademark "VESTIGE" of the plaintiff or any other mark which is deceptively similar to the plaintiff's mark as also an injunction against the defendants, their agents, distributors etc. from passing off its goods as that of the plaintiff by using the trademark "VESTIGE" or any other deceptively similar mark besides the prayers of delivery up, rendition of accounts and costs.

2. Learned counsel for the plaintiff and the defendants state that during the pendency of the present suit, plaintiff and defendant No. 1 through its

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Directors, who are defendant Nos. 2 and 3 have entered into a settlement and defendant No. 1 through its sole Directors defendant Nos. 2 and 3, have no objection if prayers (a), (b) and (c) in the plaint are allowed and a decree is passed in favour of the plaintiff in terms thereof and against the defendants.

3. Learned counsel for the plaintiff states that he has instructions to give up prayers (d), (e) and (f) in the plaint.

4. Defendant Nos. 2 and 3 who are the Directors of defendant No. 1 are present in Court and are identified by learned counsel, affirm the instructions to the learned counsel for the defendants that defendant Nos. 1, 2 and 3 are willing to suffer an injunction in terms of prayers (a), (b) and (c) of the plaint. An authorization in the form of certified copy of the Board Resolution dated 2nd January, 2020 has also been placed on record, authorizing defendant No. 3 to settle the dispute in the present suit before this Court.

5. Learned counsel for the defendants states that defendants have already changed the name of defendant No. 1 company and would be now using different trademarks and logos, which would not be deceptively similar to the plaintiff's trademark logo/device.

6. Consequently, a decree in favour of the plaintiff and against the defendant Nos. 1, 2 and 3 is passed in terms of prayers (a), (b) and (c) of the plaint.

7. Decree sheet be prepared accordingly.

8. Since the suit has been settled out of Court at a preliminary stage, Court fees be refunded to the authorized representative of the plaintiff under Section 16-A of the Court Fees Act.

9. Defendant Nos. 2 and 3 who are Directors of the defendant No. 1 and present in Court, have signed this order sheet in acknowledgement of their statements made before this Court as above.

I.A. 17199/2019 (under Order XXXIX Rule 1 and 2 CPC)

Application is disposed of as infructuous.

MUKTA GUPTA, J.

FEBRUARY 19, 2020/akb

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