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

\+ CS(COMM) 585/2019, IA No.14633/2019(u/O.XXXIX R-1&2 CPC)

HYATT INTERNATIONAL CORPORATION ..... Plaintiff

Through: Mr. Sohan Singh Rana with
Mrs. Bindra Rana, Ms. Priya Adlakha,
Mr. Ashish Sharma & Ms. Vibhuti Vasisth,
Advs.

versus

HYATT SPA UNISEX BODY SPA & ANR. ..... Defendants

Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

% 10.01.2020

1. This order is in continuation of the earlier orders dated 21st October, 2019, 18th November, 2019 and 12th December, 2019.

2. None has appeared for either of the defendants and no appearance has also been entered by the defendants today and no written statement has been filed.

3. The defendants are ordered to be proceeded against *ex parte.*

4. The plaintiff, on the basis of averments in the plaint and documents filed therewith has made out a case for grant of the relief of permanent injunction as sought in prayer paragraph 51 (a) and (b) and for grant of relief of mandatory injunction as sought in prayer paragraph 51 (f) and (g) of the plaint and the need to relegate the plaintiff lead *ex parte* evidence for grant of the said reliefs is not felt.

5. The counsel for the plaintiff states that subject to costs of the suit being awarded, the plaintiff does not press the reliefs of recovery of damages, rendition of accounts and delivery.

6. A decree is accordingly passed, in favour of the plaintiff and jointly and severally against the two defendants namely (a) Hyatt Spa Unisex Body Spa and (b) Mr. Mukesh Kumar, of (i) permanent injunction in terms of prayer paragraph 51 (a) and (b) of the plaint dated 7th August, 2019; (ii) mandatory injunction in terms of prayer paragraph 51 (f) and (g) of the plaint dated 7th August, 2019; and, (iii) recovery of costs quantified at Rs.7,80,130**/-** as per the certificate filed by the counsel for the plaintiff.

Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

JANUARY 10, 2020
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