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

+ CS(COMM) 604/2019 & IA No.15694/2019 (u/O XXXIX R-1&2 CPC)

THAKAR CHEMICALS LIMITED Plaintiff

Through: Mr. Aayushmaan Gauba and Ms. Gunjan Chhabra, Advs.

Versus

MEHUL TRIVEDI Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **28.01.2020**

1. This order is in continuation of the order dated 4th December, 2019.
2. None has appeared for the defendant today also.
3. The counsel for the plaintiff states that no written statement has been filed.
4. The facts are already recorded in the order dated 31st October, 2019 when the suit had come up first and in the subsequent order dated 13th November, 2019 and the need to reiterate the same is not felt.
5. I have enquired from the counsel for the plaintiff, whether the defendant is still using the impugned mark.
6. The counsel for the plaintiff states that he has today morning placed an order on the website of the defendant and the number generated of the said order indicates that between the last order placed by him on the defendant's website at the time of filing the amended plaint and today, there has been no other online sale at least.

7. The need to await the defendant any further is not felt.
8. The defendant is proceeded against *ex-parte*.
9. The plaintiff, on the basis of averments in the amended plaint and the documents filed therewith, is found entitled to the relief of perpetual injunction as claimed.
10. However, in the facts and circumstances, no case for damages or costs is made out.
11. A decree is accordingly passed, in favour of the plaintiff and against the defendant, of perpetual injunction in terms of prayer paragraph 39(i) to (iii) of the amended plaint dated 6th November, 2019 and by further clarifying with respect to prayer paragraph 39(iii) that if the defendant, inspite of communication of this order/decreed, does not stop using the domain name <https://www.thakarfertilizersandchemicals.com/>, it will be open to the plaintiff to approach the Registrar of Domain Names with a copy of this order for blocking the said domain name.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

JANUARY 28, 2020

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