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

+ **CS(COMM) 607/2019, IA No.15214/2019(u/O.XXXIX R-1&2 CPC)**

THE COCA-COLA COMPANY Plaintiff

Through: Mr. C.M.Lall, Sr. Adv. with
Ms. Nancy Roy, Mr. Abhishek Konala &
Ms. Niharica Khanna, Advs.

versus

MAHENDRA DHARIWAL & ORS. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **10.01.2020**

1. This order is in continuation of the orders dated 1st November, 2019, 6th November, 2019 and 6th December, 2019.
2. Though Mr. Shashank Tripathi and Mr. Anuj Chauhan, Advocates had appeared for defendant no.1 on 6th November, 2019 but none appears for the defendants today. None appeared for defendants no. 2 and 4 on 6th November, 2019, though were served as per order dated 6th November, 2019 and adverse orders against them was deferred.
3. The senior counsel for the plaintiff, under instructions states that the plaintiff could not find the address of the defendant no.3 and the defendant no.1 also, as directed on 6th November, 2019, did not furnish the address of defendant no.3 to the plaintiff.

4. On 6th November, 2019, it was informed that defendant no.2 is the son of defendant no.1.

5. In view of the aforesaid, defendant no.3 Paramdeep Singh Sandhu who according to senior counsel for the plaintiff was also disclosed in media to be the producer along with defendant no.1 and defendant no.2 of the film with the impugned title is also deemed to be served and since none has appeared for him also, all the defendants are proceeded against *ex parte*.

6. 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 in terms of prayer paragraph A(i), (ii), (iii) and (iv) and of relief of mandatory injunction in terms of prayer paragraph B (i) of the plaint dated 11th October, 2019. The need to relegate the plaintiff to *ex parte* evidence for the purpose of grant of the said reliefs is not felt.

7. The senior counsel for the plaintiff, under instructions states that subject to the costs being awarded, the plaintiff does not press the reliefs of recovery of damages and rendition of accounts.

8. A decree is passed, in favour of the plaintiff and jointly and severally against the four defendants namely (i) Mahendra Dhariwal, (ii) Chirag Mahendra Dhariwal, (iii) Paramdeep Singh Sandhu and (iv) Tatineni Leela Vara Prasad, (i) of permanent injunction in terms of prayer paragraph A (i), (ii), (iii) and (iv); (ii) of mandatory injunction in terms of prayer paragraph B(i) of the plaint dated 11th October, 2019, by further permitting the plaintiff to approach the Registrar of domain names with whom the defendant no.4's website tlvprasad.net/koka-kola-sunny-leon.htm is registered, to block the website if still contains any reference to the marks COCA COLA and/or
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KOKA KOLA and to also approach other social media platforms if any for blocking/deleting reference if any to the proposed film with the title COCA COLA and/or KOKA KOLA of the defendants; and, (iii) of recovery of costs quantified at the Court fees paid and professional fee assessed at Rs.5,00,000/-.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

JANUARY 10, 2020

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