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

+ **CS(COMM) 32/2020 & I.A. 882/2020**

PIDILITE INDUSTRIES LIMITED

..... Plaintiff

Through: Mr.Sudhir Chandra, Sr. Advocate
with Mr. Ankur Sangal, Mr.
Shantanu Rawat, Ms. Pragya
Mishra, Advocates

versus

BERGER PAINTS INDIA LIMITED

..... Defendant

Through: Mr. N. K. Anand, Advocate with
Mr. S. P. Singh, Mr. Sunil Mishra,
Advocates alongwith Mr.
Nirmalayan Kr. (G.M.), Mr.
Suman Dey (Asst. Manager)

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

24.01.2020

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1. Mr. N. K. Anand, learned counsel enters appearance on behalf of the defendant. The representatives of the defendant company namely, Mr.Nirmalayan Kumar, General Manager of the defendant-company, and Mr. Suman Dey, Assistant Manager (Secretarial) of the defendant are present in Court. Mr. Anand states upon instructions that the defendant does not intend to continue with the broadcast of the impugned advertisement.

2. A copy of a board resolution in favour of Mr. Suman Dey authorising him to represent the defendant in these proceedings has been produced and is taken on record. The statement of Mr. Dey has been separately recorded.

3. In view of the statement recorded on behalf of the defendant, the suit is decreed in terms of prayer (i) of the plaint. Mr. Sudhir Chandra, learned Senior Counsel for the plaintiff does not press for any other relief in the suit. Decree sheet be prepared accordingly.
4. In terms of the statement on behalf of the defendant, the advertising agency concerned will be instructed to take immediate steps to stop the further telecast of the impugned advertisement. A copy of the instructions by the defendant to the advertising agency will also be communicated by learned counsel for the defendant to learned counsel for the plaintiff.
5. In view of the fact that the parties have resolved their disputes at a very preliminary stage of the suit, the plaintiff would ordinarily be entitled to refund of 50% of the court fees under Section 16A of the Court Fees Act, 1870. However, as court fees have not yet been deposited by the plaintiff, the order dated 22.01.2020 in I.A.886/2020 is modified to the extent that the plaintiff will be required to deposit only 50% of the court fees in the suit.
6. The suit and pending applications stand disposed of in terms of this order.
7. This order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

JANUARY 24, 2020

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