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

+ **CS(COMM) 104/2019**

EXXON MOBIL CORPORATION Plaintiff

Represented by: Ms. Anurdha Salhotra and Mr. Mukul
Kochhar, Advocates.

versus

MR. JOSEPH SEBASTIAN (ALIAS JOJI) Defendant

Represented by: Mr. M.T. George, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.01.2020

1. The present suit has been filed by the plaintiff-Exxon Mobil Corporation claiming itself to be the owner the trademark 'EXXON' registered in its favour in number of classes. The earliest registration of Exxon as a trademark in India being in the year 1967.

2. The grievance of the plaintiff is that the defendant had been trading under the name M/s. New Exon Batteries, M/s. New Exon Batteries and Auto Electricals and M/s. New Exon Auto Electricals, thereby infringing the plaintiff's registered trademark and passing of the goods of the defendant as that of the plaintiff.

3. Defendant is present in Court and has handed over an affidavit, which is taken on record. As per the said affidavit, the defendant has already changed the trade name of his proprietorship firm from 'New Exon

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Batteries’ to ‘Nithin Batteries’ and has also obtained necessary licenses and GST registration in the said new names. Copies of the licenses and registration certificate have also been enclosed therewith.

4. The defendant undertakes to suffer a decree of permanent injunction against the use of the mark EXON and EXXON either as a trademark, trade name or corporate name, domain name, email address or in whatsoever manner in respect of his goods and services.

5. In view of this undertaking by the defendant, who is also present in Court and identified by the learned counsel, learned counsel for the plaintiff submits that the suit be decreed by passing a decree of injunction in terms of prayers (i) and (ii) in the suit and she gives up the prayers (iii), (iv), (v) and (vi) in the suit. Consequently, the suit is decreed in favour of the plaintiff and against the defendants in terms of prayers (i) and (ii).

6. Since the suit has been decreed at the preliminary stage itself Court fee be returned to the Authorized Representative of the plaintiff under Section 16 A of the Court Fee Act. Registry will issue necessary certificate in this regard.

IA 2895/2019 (u/O XXXIX R 1 & 2 CPC)

Application is disposed of as having become infructuous.

I.A. 6908/2019 (u/O XXXIX R 2A CPC)

In view of the undertaking given by the defendant and the unconditional apology tendered, the show cause notice issued to the defendant is discharged.

MUKTA GUPTA, J.

JANUARY 23, 2020/१३
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