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

+ **CS(COMM)No.220/2020 & I.A.No.5123/2020**

USV PRIVATE LIMITED

.....Plaintiff

Through : Ms. Shwetasree Majumdar, Mr.
Prithvi Singh and Ms. Pritika Kohli,
Advs.

versus

PAKSONS PHARMACEUTICAL PVT LTD.

.....Defendant

Through : Mr. Amit Tomar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **07.09.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. Mr. Amit Tomar, who appears on behalf of the defendant, has returned with instructions. Mr. Tomar says that the suit can be decreed in terms of prayer clause 38 (a) and (b) of the plaint.

1.1 Besides this, Mr. Tomar says that the defendant does not have, in its custody, any products bearing the infringing trademark or any other trademark which is deceptively similar to the plaintiff's trademark.

2. Ms. Shwetasree Majumdar, who appears on behalf of the plaintiff, says that given the statement made by Mr. Tomar, she has instructions not to press the reliefs as sought for in prayer clause 38 (d) and (e) of the plaint.

2.1 The statement of learned counsel for the parties is taken on record.

3. The suit is decreed in terms of the prayer clause 38 (a) and (b) of the plaint.

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4. No relief is sought for and granted *qua* what is indicated in prayer clause 38 (d) and (e) of the plaint.

5. Insofar as the costs are concerned, having regard to the fact that the plaintiff had to incur avoidable costs to approach this Court to assert its legal rights, in my view, the defendant should pay a consolidated amount of Rs. 1,25,000/- to the plaintiff towards costs.

5.1 It is ordered accordingly. The costs will be paid within two weeks from today *via* a demand draft.

5.2 The demand draft will be drawn in favour of the plaintiff, which will be handed over to the counsel for the plaintiff.

6. In view of the fact that the matter has been concluded at an early stage, I am inclined to order refund of 75% of the court-fee. It is directed accordingly.

6.1 The Registry will take requisite steps in that behalf.

7. The pending application shall stand closed. A decree will be drawn up in the aforementioned terms.

8. The case papers shall stand consigned to record.

RAJIV SHAKDHER, J

SEPTEMBER 07, 2020

Aj/KK

[Click here to check corrigendum, if any](#)

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