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

Date of decision: 4<sup>th</sup> February, 2020

+ CS(COMM) 466/2017 & I.A. 7894-7895/2017, I.A. 3716/2018  
HCL TECHNOLOGIES LTD & ANR

..... Plaintiff

Represented by: Mr.Aashish Somasi, Adv. with  
Ms.Imran Roy, Adv.

versus

AJAY KUMAR & ORS

..... Defendant

Represented by: Mr.Apoorv Shukla, Adv. for D18

**CORAM:**  
**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**  
**04.02.2020**

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1. The present suit has been filed by the plaintiffs, inter alia, seeking a decree of permanent injunction restraining the defendants, their associates, companies, partners, officers, servants and agents from carrying out any recruitment activity directly or indirectly using the plaintiffs' HCL or HCL formative trademarks in any manner whatsoever, through the website [www.hclcareer.com](http://www.hclcareer.com) so as to take unfair advantage of the plaintiffs' trademark, distinctive character and reputation and causing confusion, deception and misrepresentation to the general public as also infringing the

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plaintiffs' trademark, passing off the defendants' activity as that of the plaintiffs, rendition of accounts, damages, costs etc.

2. The plaintiffs have impleaded twenty defendants.

3. Case of the plaintiffs against the defendants is that the defendant Nos. 1 to 8 and 18 to 20 have been carrying out fraudulent recruitment activities through the bank account numbers which the plaintiffs have given. Defendant Nos. 9, 10, 11, 12, 13, 14, 15, 16 and 17 in the suit are Big Rock Solutions Pvt. Ltd, Kotak Mahindra Bank, DBS Bank, Punjab National Bank, Bandhan Bank, State Bank of India, Bank of India, HSBC Bank, One97 Communications Ltd. i.e. parent company of Paytm in which banks, monies has been deposited by the innocent victims.

4. Vide order dated 29<sup>th</sup> November, 2017, this Court had directed defendant Nos. 9 to 16 to be deleted from the array of defendants. Vide order dated 23<sup>rd</sup> August, 2017, the defendant No. 17 was also deleted. Despite service through publication, none has appeared on behalf of the defendant Nos. 1 to 4, 6 and 7. The right of defendant Nos. 5 and 8 to file written statement has already been closed. Decree in terms of prayers (a), (b) and (c) of para 49 of the plaint has already been passed against the defendant Nos. 19 and 20 on April 8, 2019.

5. Learned counsel for the defendant No. 18 states that he has also filed an affidavit indicating that how defendant No. 18 and his niece have been cheated and being the victims of fraud have filed FIR at Dattawadi Police Station, Pune on 25<sup>th</sup> May, 2018 under Section 420/467/468/471 IPC and Section 66(c) of the Information Technology Act, 2000 against Harshit

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Yadav and Anuj Kumar. He thus prays that defendant No. 18 has also no objection if a decree is passed in terms of the order dated April 8, 2019 as passed against identically placed defendant Nos. 19 and 20, who claim to be victims. Consequently, the suit is decreed in favour of the plaintiffs and against defendant No. 18 in terms of prayers (a), (b) and (c) of para 49 of the plaint.

6. As noted above, defendant No. 1 to 4, 6 and 7 have not appeared despite service through publication and right of defendant Nos. 5 and 8 to file written statement has already been closed. The averments in the suit by the plaintiffs and the documents filed therewith, thus having gone unrebutted, the plaintiffs are also entitled to a summary judgment under Order XIII A CPC in their favour and against defendant Nos. 1 to 8. Since no proof of damages has been led by the plaintiffs, that relief cannot be granted. Consequently, the suit is decreed in terms of prayers (a), (b) and (c) of para 49 of the plaint in favour of the plaintiffs and against defendant Nos. 1 to 8.

7. Though no affidavit of actual cost has been filed, however, costs in terms of Court Fees deposited i.e. ₹ 1,36,000/- is awarded in favour of the plaintiffs and against the defendant Nos. 1 to 8 jointly and severally.

8. Decree sheet be drawn accordingly.

I.A. 7894-7895/2017 (under Order XXXIX Rule 1 & 2 CPC and under Order XI Rule 1(4) CPC respectively), I.A. 3716/2018 (under Order XI Rule 2 CPC filed by the plaintiffs)

Applications are disposed of as infructuous.

**MUKTA GUPTA, J.**

**FEBRUARY 04, 2020/akb**  
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