

A.No.2500 of 2021
in
C.S.(Comm. Div.).No.161 of 2021

DR.G.JAYACHANDRAN, J.

Heard the learned counsel for the 2nd respondent and the learned counsel for the plaintiff.

2. The suit is filed seeking relief of interim injunction restraining the 1st defendant from infringing the registered Trademark of the plaintiff and marketing it through online using the 2nd defendant's platform www.indiamart.com as intermediary.

3. The 2nd defendant, who provides business to business platform through its domain www.indiamart.com, in the affidavit states that soon after the receipt of the interim injunction order of this Court, they have stopped providing facility to the 1st defendant which enabled them to sell the products through their platform and also undertakes that until specific order from the Court is received, they will not provide their platform for the 1st defendant for listing of the products and therefore, seeks strike out the 2nd defendant name from the array of parties.

4. The main allegations against the defendants by the plaintiff is that the 1st defendant by deceptively using the plaintiff's Trademark marketing his product through the 2nd defendant. For online sale of the defendant's product, the 2nd defendant's domain has been used as platform / intermediary.

5. Since the 2nd defendant has come forward not to extend the facility to the 1st defendant and they have already stopped listing the 1st defendant's product in their website, there shall be no further grievance for the plaintiff against the 2nd defendant.

6. Recording the undertaking, the application to strike off the 2nd defendant name from array of defendants is allowed.

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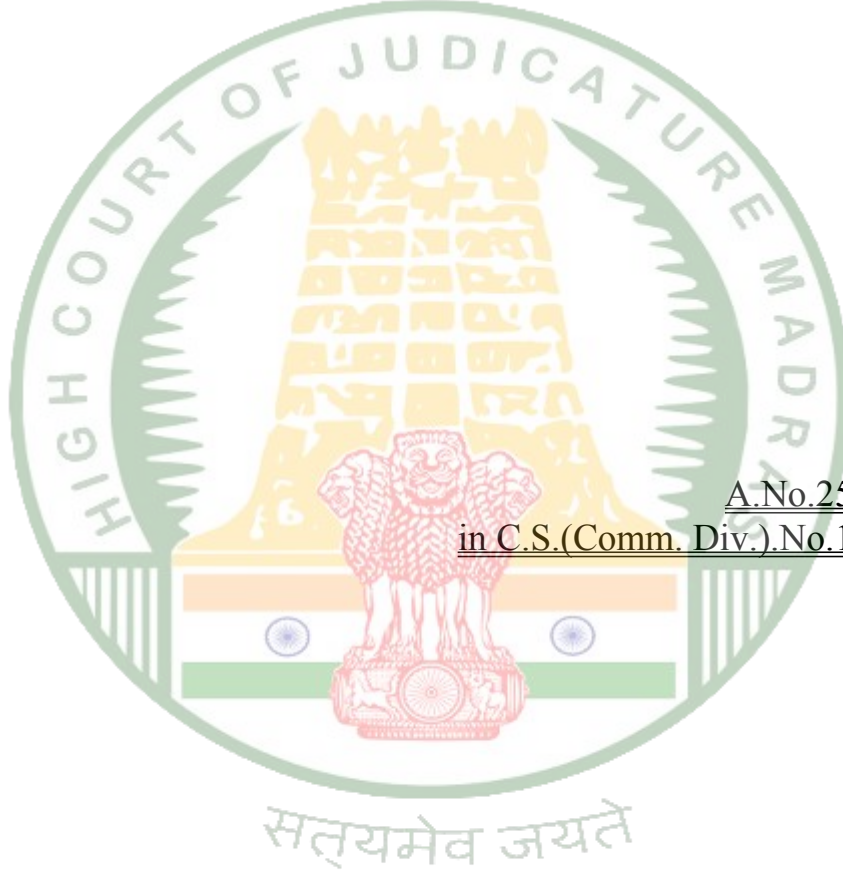
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