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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 187/2023, I.A. 6180/2023, I.A. 6181/2023, I.A. 6182/2023 & I.A. 6183/2023

GATI LTD. & ANR. Plaintiffs
Through: Mr. Sachin Gupta, Mr. Rohit Pradhan, Ms. Yashi Agarwal, Ms. Swati Meena and Mr. Anshul Saxena, Advs.

versus

KWE GATI PACKERS AND MOVERS P. LTD. Defendant
Through: Mr. Kapil Hooda, Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (O R A L)
12.04.2023

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1. In terms of the undertaking given on the next date of hearing. Mr. Kapil Hooda, learned Counsel for the defendant has handed over, across the Bar, an affidavit of Mr. Ravinder, who is one of the Directors of the defendant company, undertaking not to use the trademark GATI/KWE GATI which are registered in favour of the plaintiff, and to change the name of the defendant company to Nishant Packers and Movers which would not infringe the plaintiff's registered marks in any manner.

2. Mr. Sachin Gupta, learned Counsel for the plaintiff submits, in the circumstances, that his client would not press for costs and damages and that the suit may be decreed.

3. As such, the plaint be registered as a suit.

4. In view of the aforesaid undertaking of Mr. Ravinder, as handed over across the Bar by Mr. Hooda, the dispute in the suit stands resolved. There shall be a permanent injunction restraining the defendant as well as all others acting on its behalf from using the trademark GATI/KWE GATI or any similar mark/logo which is deceptively similar to any of the registered trademarks of the plaintiff as enlisted in paras 7 and 8 of the plaint for any purpose whatsoever. The defendant shall also stand restrained from using GATI/KWE GATI as part of its tradename, corporate name, meta tag or in any advertisement or promotional material or any physical or virtual site.

5. The defendant shall also discontinue the use of the company name Kwe Gati Packers and Movers Pvt. Ltd. forthwith and shall apply within a week to the Registrar of Companies to change its name to Nishant Packers and Movers. The registrar of companies is directed to decide the said application within two weeks of its being filed by the defendant before the Registrar, so that the name of the defendant company is changed on the record of the Registrar of Companies.

6. As Mr. Gupta has fairly undertaken not to press for costs and damages, no further orders are required to be passed in this suit which shall stand decreed in the aforesaid terms.

7. Let a decree sheet be drawn up accordingly.

8. In view of the aforesaid, the plaintiff would not be required to deposit any Court fees.

9. The suit stands decreed accordingly.

C.HARI SHANKAR, J

APRIL 12, 2023

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