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

+ **CS(COMM) 297/2023 & I.As. 9064-9070/2023**

**HUGO BOSS TRADEMARK MANAGEMENT GMBH AND
CO KG** Plaintiff

Through: Mr. Shravan Kumar Bansal,
Mr. Rishi Bansal and Ms. Aishwarya
Debadarshini, Advs.

versus

HERTZ CHEMICALS PVT LTD AND ANR Defendants

Through: Mr. Akhil Sibal, Sr. Adv. with
Mr. Sachin Gupta, Mr. Rohit Pradhan and
Mr. Asavari Jain, Advs.

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

ORDER (ORAL)

% **11.05.2023**

1. The dispute in this case relates to the following four products of the defendant, as depicted in para 65 of the plaint:



2. After Mr. Bansal argued the matter for some time, Mr. Akhil Sibal, learned Senior Counsel for Defendant 1, at that point, interceded to state that of the following products in question, his client has discontinued manufacture and export of the second product:



Signature Not Verified

3. An affidavit, to the said effect, has also been tendered across the Bar. Apropos the first, third and fourth products, the affidavit states that Defendant 1 has decided to discontinue manufacture and export of the said products as well.

4. Mr. Sibal submits that the said affidavit is being filed without prejudice and subject to the plaintiff's agreeing to close the present proceedings and to a disposal of the suit on the basis of the said affidavit.

5. The affidavit dated 11th May 2023 is reproduced, *in extenso*, as under:

"AFFIDAVIT OF NAZNEEN WIFE OF SUNIL SEWHANI, AGED ABOUT 37 YEARS, AT THE ADDRESS RAHEJA XION UNIT NO. 301, 3RD FLOOR JETHA COMPOUND, DR. B. A.ROAD, MAZGAON, BYCULLA EAST MUMBAI-400027 PRESENTLY AT NEW DELHI

I do hereby solemnly affirm and declare as under:

1. I say that I am one of the directors of the Defendant Company and fully aware of the facts and the circumstances of this present case. I am competent to swear and depose this present affidavit.

2. I state that the impugned trade mark bottle namely CEO VIP has been discontinued way back in October 2018.

3. Without prejudice to our rights and contentions, I state that in the spirit of settlement and early resolution of the present suit, the Defendant company has decided to discontinue manufacturing and export of the other impugned trade mark bottles, namely, CEO VIP PRIVE, CEO ULTIMATE, and CEO NIGHT."

4. In view of the above, it is most respectfully prayed that the present suit may kindly be disposed off.

Deponent

Verification:

Signature Not Verified

Digitally Signed
By: KAMLA KAWATCS(COMM) 297/2023
Signing Date: 12.05.2023
16:13:18

Verified at New Delhi on this 11th day of May 2023 that the contents of the above affidavit are true and correct, that no part of it is false and nothing material or relevant has been concealed therefrom.

Deponent”

6. Mr. Bansal, on instructions, submits that, in view of the aforesaid affidavit and binding Defendant 1 thereby, the grievance in the present suit does not survive for adjudication and that his client is not intending to press the other reliefs contained in the plaint.

7. Let the plaint be registered as a suit.

8. In view thereof, it is not necessary to issue formal summons in the suit.

9. The suit stands decreed by binding Defendant 1 to the contents of the affidavit dated 11th May 2023, reproduced *in extenso* hereinabove.

10. The registry is directed to draw up a decree sheet accordingly.

11. The plaintiff would be entitled to refund of court fees, if any, deposited by it.

C. HARI SHANKAR, J.

MAY 11, 2023/dsn