



O.A. No.1085 of 2023

O.A. Nos.1085 to 1087 of 2023
and
A. No.6732 of 2023
in
C.S. (COMM. DIV.) No.317 of 2023

ABDUL QUDDHOSE, J.

The learned counsel for the respondents / defendants on instructions would submit that even before filing of the suit, the 2nd defendant has taken down the infringing link from the 3rd defendant platform. The 1st and 3rd respondents have already been set exparte by this Court in the interlocutory applications. Despite receipt of notice in the interlocutory applications, they have chosen not to defend.

2. For the foregoing reasons, the interim injunction granted by this Court on 19.12.2023 passed in O.A. Nos.1085 and 1086 of 2023 is made absolute and the said applications are allowed as prayed for.

3. O.A. No.1087 of 2023 has been filed for interim mandatory injunction to remove the offending images from the 3rd respondent / 3rd defendant platform.



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4. Since the respondents 1 & 3 have duly been served and this Court being satisfied with the averments contained in the affidavit filed in support of O.A. No.1087 of 2023, this Court is inclined to direct the 3rd respondent to remove the offending image and descriptions relating to the 1st respondent / 1st defendant pertaining to the trademark Soft Touch from their online databases, web, mobile applications, within a period of two weeks from the date of receipt of a copy of this order. In terms of the above directions, O.A. No.1087 of 2023 is disposed of.

5. Since the 2nd defendant has already removed the offending images from their platform and they have also given an undertaking that they shall not post the offending images in their platform in the future, this Court after recording the undertaking given by the 2nd defendant is removing the 2nd defendant from the array of party defendants in the suit as they are no longer a necessary party for the adjudication of the suit. Accordingly, the 2nd defendant is removed from the array of party defendants in the suit.

6. The learned counsel for the plaintiff is directed to carry out the amendment, accordingly.

7. A. No.6732 of 2023 has been filed to combine the cause of



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action. Since the respondents have been duly served and no counters have been filed, this Court after being satisfied that sufficient cause has been shown by the plaintiff for combining the cause of action, this application viz., A. No.6732 of 2023 is allowed as prayed for.

8. Await service of suit summons on D1 and D3, post the matter on **22.03.2024**.

05.03.2024

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ABDUL QUDDHOSE, J.



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