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

+ **CS(COMM) 11/2021 & I.A. 36725/2024**

M/S BLUE HEAVEN COSMETICS PRIVATE LIMITED

.....Plaintiff

Through: Mr. Rishabh Srivastava, Advocate
Mob: 9737708556

versus

BHCOSMETICS LLC

.....Defendant

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

18.10.2024

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1. Learned counsel appearing for the plaintiff has handed over four orders passed by Madras High Court, wherein, the registration in favour of the defendant herein, which are also subject matter of the present suit, have already been removed from the Register of Trademark, and the registration in favour of the defendant has been cancelled.
2. The orders passed by High Court of Madras, are taken on record.
3. Learned counsel appearing for the plaintiff submits that in view of the fact that the infringing marks of the defendant, have already been removed, and the defendant is no longer using the infringing mark, he submits that he has instructions to withdraw the present suit.
4. Learned counsel appearing for the plaintiff further submits that in case the defendant is found to be infringing the mark of the plaintiff, he may be



granted liberty to take appropriate legal proceedings, accordingly.

5. Needless to state that in case there is a fresh infringement by the defendant, the same would constitute a fresh cause of action.
6. Accordingly, the present suit along with the pending applications is dismissed, as withdrawn.
7. The next date of hearing of 4th December, 2024, stands cancelled.

MINI PUSHKARNA, J

OCTOBER 18, 2024
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