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

+ **CS(COMM) 146/2024, I.A. 3761-3762/2024**

GODREJ INDUSTRIES LIMITED & ANR. Plaintiffs

Through: Mr. Chander Lall, Senior Advocate
with Ms. Manjula Baxla and
Mr. Prashasthi Bhat, Advocates.

versus

AMIT JAIN & ANR. Defendants

Through: Ms. Prachi Gupta, Advocate.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER
26.02.2024**

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1. Let the plaint be registered as a suit.
2. Issue summons. Ms. Prachi Gupta, counsel appearing on advance service accepts summons on behalf of the Defendants and states that she has filed her *vakalatnama*. She confirms receipt of the suit paper book and waives the requirement for Registry to issue formal summons.
3. Plaintiff No. 1/ Godrej Industries Limited, part of the Godrej group of companies, is the proprietor of the trademark 'GODREJ', which is registered in India under several classes, details whereof have been set out at Paragraph No. 17 of the plaint. Plaintiffs' grievance arises on account of the Defendants' use of the identical/ deceptively similar mark 'GODREJ'/



' as a logo in respect of their goods, i.e. pressure



cookers. Although the Plaintiffs do not have registration for trademark 'GODREJ' in Class 21, which covers 'pressure cookers', nonetheless, they allege infringement under Section 29(4) of the Trade Marks Act, 1999, asserting that their mark 'GODREJ' is a well-known mark.

4. At the outset, Ms. Gupta states on instructions that the Defendants have discontinued their use of the mark 'GODREJ' in respect of pressure cookers in the year 2016, and that the Defendants do not intend to adopt the trademark 'GODREJ' anytime in future. Her statement is taken on record and shall bind the Defendants.

5. Ms. Gupta further states that since the Defendants have already ceased use of the mark, she has no objection to the suit being decreed for the relief of injunction. In light of this statement, Mr. Chander M. Lall, Senior Counsel for Plaintiffs, states that they shall not press for damages.

6. In view of the above, the suit is decreed in favour of the Plaintiffs and against the Defendants in terms of Prayer Clauses No. (a), (b) and (c).

7. Decree sheet be drawn up.

8. Considering the fact that the present suit is being disposed of on terms which have an element of amicable resolution, Mr. Lall's request for refund of court fees is allowed. Registry is directed to issue certification of refund of full court fees to the Plaintiff.

9. Accordingly, suit and pending application(s) are disposed of.

SANJEEV NARULA, J

FEBRUARY 26, 2024

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