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

+ **CS(COMM) 94/2021 & I.A. 42708/2024**

PERNOD RICARD INDIA PRIVATE LIMITEDPlaintiff

Through: Mr. Sambhav Jain, Ms. Reha Mohan,
Mr. Sidhant Oberoi, Ms. Akanksha
Majumdar, Advocates
(M:9873868816)

versus

FROST FALCON DISTILLERIES LIMITEDDefendant

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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21.10.2024

I.A. 42708/2024 (Application for Modification of order)

1. The present application has been filed under Section 152 of Code of Civil Procedure, 1908 ("CPC"), seeking clarification/modification of the order dated 11th September, 2024.
2. Learned counsel for the plaintiff submits that the plaintiff had filed the present suit for permanent injunction restraining infringement of trade mark, copyright, passing off, unfair competition, damages/rendition of accounts and delivery up etc. against the defendant.
3. It is submitted that the suit of the plaintiff had been decreed in favour of the plaintiff, and disposed of vide order dated 11th September, 2024.
4. It is submitted that the suit was decreed on the ground that the defendant had submitted that it was ready to give up the word 'PRIDE' in the impugned trade mark 'CASINOS PRIDE' and was also ready to change



the trade dress/ packaging thereof, so as to not infringe or be deceptively similar, to the trade dress/packaging of the plaintiff's products.

5. It is submitted that in Paragraph 3 of the order dated 11th September, 2024, it has inadvertently been recorded that the plaintiff's trademark 'PRIDE' is registered. However, it is submitted that the plaintiff's application for registration of the said mark, i.e., Application No. 4780328 dated 14th December, 2020 in Class 33, is currently still pending registration.

6. Considering the submissions made before this Court, the order dated 11th September, 2024 is modified to read in Paragraph 3 that "*the plaintiff has applied for registration of its mark 'PRIDE' as a trademark in the year 2020 under Class 33*".

7. Noting the aforesaid, the present application is allowed and is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 21, 2024

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