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

+ C.O. (COMM.IPD-TM) 344/2022

ADITYA BIRLA FASHION AND RETAIL LIMITEDPetitioner
Through: Mr Ankur Sangal and Mr Shashwat
Rakshit, Advocates.

versus

MOHD NASIM SHAH TRADING AS LOUIS
PETER GARMENTS AND ANR.Respondents
Through: Mr V.N. Jha, Advocate for R-1.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **18.10.2024**

1. This is a cancellation petition filed under Section 47, 57, 125 of the Trade Marks Act, 1999 seeking removal of the impugned mark 'LOUIS PETER' registered under Registration No.2506079 in Class 25 in the name of the respondent no.1.
2. The petitioner is the registered proprietor of the trademarks 'LOUIS PHILIPPE' and 'PETER ENGLAND' across various classes, details of which are given in paragraph 9 of the petition.
3. Counsel for the parties submit that they have settled the matter in terms of which the respondent no.1 has agreed not to use the impugned trademark. Accordingly, the counsel for the respondent no.1 further submits that in view of the settlement he has no objection if the relief is granted in favour of the petitioner.



4. Counsel for the parties submit that a formal settlement agreement shall be filed in the on-going suit between the parties, being TM 73-21 titled as ***Aditya Birla Fashions And Retail Ltd v. Md. Nasim Anr.*** pending before the District Judge, Patiala House Court, New Delhi.
5. Accordingly, the present petition is allowed and the Registrar of Trade Marks is directed to remove/rectify the entries bearing the impugned mark 'LOUIS PETER' registered under No.2506079 in Class 25 in the name of the respondent no.1.
6. The petition is allowed in the aforesaid terms.
7. The Registry is directed to supply a copy of the present order to the Trade Marks Registry, at e-mail - llc-ipo@gov.in for compliance

AMIT BANSAL, J

OCTOBER 18, 2024/rt