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

+ **CS(COMM) 325/2022 & I.A. 3083/2023**

SIMPLILEARN SOLUTIONS PRIVATE LIMITED Plaintiff

Through: Mr. Aayushmaan Gauba and Ms.
Gunjan Chhabra, Advs.

versus

SIMPLILEARN EDUCATION CONSULTING PRIVATE LIMITED

..... Defendant

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

09.04.2024

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1. Pursuant to the previous order of this Court dated 21st March, 2024, counsel for plaintiff states that they have verified records from the Ministry of Corporate Affairs [*'MCA'*] that the defendant has changed their company name from *'Simplilearn Education Consulting Private Limited'* to *'Simpliphi Learning Private Limited'*. A copy of the MCA record is also placed on record. The directors of the defendant-company continued to remain the same viz. Ms. Sadhana Shrivastav and Ms. Shwetambara Shrivastava.

2. It is already noted that an *ad interim* injunction was granted by this Court on 18th May, 2022 which was made absolute *vide* order dated 21st March, 2024. Further, the defendant has not appeared in these proceedings despite service of notice.

3. Counsel for plaintiff, in these circumstances, seeks a decree in their



favour under Order VIII Rule 10 of the Code of Civil Procedure, 1908.

4. Accordingly, a decree is passed in terms of para 55(i) and (ii) of the plaint:

- i. For perpetual injunction restraining the Defendant, its management, directors, partners, agents, staff, representatives, servants, assigns, and/or all other persons acting on its behalf from offering for sale, advertising, importing, exporting and exhibiting or dealing in relation to providing services of academic consultancy, education, IT services and/or other services which may be cognate or allied to such services under the trademark / trade name “SIMPLILEARN EDUCATION CONSULTING PRIVATE LIMITED” or any other trademark / tradename / corporate name which may be identical/confusingly/deceptively / phonetically similar/ incorporates the registered trade mark / name “SIMPLILEARN” of the Plaintiff thereby amounting to infringement of trademark / trade name “SIMPLILEARN” of the Plaintiff;
- ii. For perpetual injunction restraining the Defendant, its management, directors, partners, agents, staff, representatives, servants, assigns,



and/or all other persons acting on its behalf from offering for sale, advertising, importing, exporting and exhibiting or dealing in relation to providing services of academic consultancy, education, IT services and/or other services which may be cognate or allied to such services under the trademark / trade name / corporate name “SIMPLILEARN EDUCATION CONSULTING PRIVATE LIMITED” or any other trademark / name which may be identical / confusingly / deceptively / phonetically similar/ incorporates the registered trade mark / name “SIMPLILEARN” of the Plaintiff thereby amounting to passing off its goods/services as and for the goods/services of the Plaintiff;

5. Decree sheet be drawn up in the above terms.
6. Considering that there has been a change of name by the defendant as part of the out-of-Court settlement, the Court Fees may be refunded to the plaintiff through the plaintiff’s counsel.
7. Registry is directed accordingly.
8. Suit is disposed of. Pending applications, if any, also stand disposed of as infructuous.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 9, 2024/MK/sc