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

+ **CS(COMM) 400/2023 with I.A. 11122/2023, I.A. 6562/2024**

ITC LIMITED

.....Plaintiff

Through: Mr. Jayant Mehta, Sr. Advocate with
Ms. Mamta Rani Jha, Ms. Shruttima
Ehersa, Ms. Aiswarya Debadarshini
and Mr. Rajat Sinha, Advocates.

versus

OMNI PLAST PVT LTD & ANR.

.....Defendants

Through: Mr. Aman Gupta, Mr. Akarsh Pandey
and Mr. Shivam Mishra, Advocates
for D-1.
Mr. Mohit Gautam, Advocate for D-2
Mr. Jaspreet Kapur, Mr. Wasim
Ansari and Ms. Shweta, Advocates
for D-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

12.12.2024

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1. In terms of the previous order passed by this court on 21st November, 2024, counsel for the defendants have returned with instructions. They submit that the defendants are collectively willing to pay a sum of Rs.6 lakhs to the plaintiff towards litigation costs.
2. The counsel for the plaintiff submits that the plaintiff is agreeable to the same.
3. In view of the above, a decree of permanent injunction is passed in favour of the plaintiff and against the defendants in terms of the prayer clauses 49 (a) to (c) of the plaint.
4. In terms of prayer clause 49 (d), the defendants no.1 and 3 shall



destroy all packaging, plates and moulds used for printing the impugned packaging, which is available with them.

5. Separate affidavits shall be filed on behalf of the defendants no.1 and 3 stating that all the infringing material has been destroyed by them along with photographs within three weeks.

6. In terms of prayer clause (g) of the plaint, the defendants shall collectively pay a combined cost of Rs.6 lakhs to the plaintiff in the following manner:-

- i. The defendant no.1 shall pay Rs.1.5 lakhs,
- ii. The defendant no.3 shall pay Rs.1.5 lakhs.
- iii. The defendant no.2 shall pay Rs.3 lakhs.

7. The aforesaid costs shall be paid within three weeks from today, failing which, the defendants will be liable to pay interest on the said amount @12% per annum.

8. In view of the aforesaid, the plaintiff does not press for the remaining reliefs sought in the plaint.

9. The suit is decreed in the aforesaid terms.

10. Decree sheet be drawn up accordingly.

11. Since the matter has been settled at an early stage, the Registry is directed to issue a certificate of refund of 50% of the Court Fees in favour of the plaintiff, in terms of Section 16A of the Court Fees Act, applicable to Delhi.

12. All pending applications stand disposed of.

AMIT BANSAL, J

DECEMBER 12, 2024/PB