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

+ **CS(COMM) 365/2024 & I.A. 10174/2024**

**KUNJ BIHARI FOOD PROCESSORS PRIVATE
LIMITED**

.....Plaintiff

Through: Mr. Prakhar Sharma and Ms. Piya
Uppal, Advs.
M: 9811819360
Email: piyauppal22@gmail.com

versus

**SHREE SHAKAMBARI RICE MILL PRIVATE LIMITED
& ORS.**

.....Defendants

Through: Mr. M.K. Miglani, Adv. (Through
VC)

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
22.10.2024**

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1. The present suit has been filed seeking permanent injunction against the defendants to restrain infringement of the plaintiff's trademarks, i.e., 'Kunj Bihari' and 'Radha Rani'.
2. The present suit has been filed on the ground that the defendants are selling the same products with the same marks as that of the plaintiff.
3. The comparison of the defendant's label with that of the plaintiff's label, as given in the plaint, is reproduced as under:



Plaintiff's Label/Packaging	Defendants' Label/Packaging
	
	

4. When the matter was listed for hearing on 07th October, 2024, learned counsel appearing for the defendants submitted that they shall not use the mark 'Radha Rani' and shall change the same by adding some other prefix or suffix to the word 'Radha'.
5. Learned counsel appearing for the defendants has also agreed and undertaken that it shall not hereafter use the trademark 'Kunj Bihari' of the



plaintiff. He further submits that defendant no.1 has got assigned to itself a registered trademark, i.e., 'Braj Bihari'.

6. Thus, it is submitted that the defendants shall use the trademark 'Braj Bihari' for its products.

7. Learned counsel appearing for the plaintiff submits that the plaintiff has no objection to the use of the trademark 'Braj Bihari' by the defendants.

8. Learned counsel appearing for the plaintiff further submits that the plaintiff has no objection if defendants use the word 'Radha' with some other suffix or prefix other than 'Rani'.

9. Defendant no.1 has further agreed and undertaken that it shall not hereafter use any packaging, which may be deceptively similar to the plaintiff's packaging of 'Kunj Bihari' and 'Radha Rani'. The defendants further agree and undertake to use its trademark, i.e., 'Braj Bihari' and some other prefix or suffix with the word 'Radha', other than 'Rani', in a totally different style, manner, placement, colour scheme, etc., which shall not be deceptively similar to the plaintiff's packaging.

10. The aforesaid proposal of settlement is acceptable to learned counsel appearing for the plaintiff.

11. Considering the fact that the parties have arrived at a settlement, the parties submit that a decree may be passed in favour of the plaintiff in terms of the plaint.

12. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendants in terms of paragraph 52 (a) to (c) of the plaint.

13. In view of the fact that the parties have settled the matter, the Registry is directed to issue a certificate of refund of full Court Fees in favour of the plaintiff.



14. Decree sheet be drawn up.
15. Accordingly, the present suit, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

OCTOBER 22, 2024/kr