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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 29th July, 2024**+ **CS(COMM) 439/2024 & I.A. 30449/2024****HAVELLS INDIA LIMITED**

.....Plaintiff

Through: **Mr. Sanyam Suri, Advocate**
(M: 8930202020)
(Email:sanyam@singhandsingh.com)

versus

MR. RAJESH KUMAR

.....Defendant

Through: **Mr. Rajesh Kumar, defendant in person**
(M: 9654878484
Email:rajeshkumar.kumar.194@gmail.com)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL)**

1. Mr. Rajesh Kumar, defendant-in-person, has put in appearance today. He submits that he has stopped using the trademark 'RKREO'/
RKREO completely, and is no longer engaged in the business of selling electrical products.

2. He further submits that that he is now working in a shop and earning ₹ 10,000/- per month.

3. In view of the aforesaid, this Court is inclined to decree the suit in favour of the plaintiff.

4. At this stage, learned counsel for the plaintiff submits that defendant-Mr. Rajesh Kumar had sought registration in Class 9 for the mark



‘RKREO’/ **RKREO** , vide Application No. ‘5579820’ dated 23rd August, 2022, on a ‘*proposed to be used*’ basis.

5. The defendant- Mr. Rajesh Kumar, who is present in Court, submits that since he has already stopped his business and does not intend to use the mark ‘RKREO’/ **RKREO** , he wishes to withdraw his application that is pending before the Trade Marks Registry.

6. Defendant-in-person has handed over the original of his Identity Card issued by the Election Commission of India, which bears his photograph and other details. The scanned copy of the same is taken on record before this Court.

7. He further submits that he has already removed the *Facebook* as well as the *IndiaMART* page and has also removed the infringing hoarding outside his shop, which he is no longer running.

8. Accordingly, the present suit is decreed in favour of the plaintiff and a decree of permanent injunction is passed against the defendant, thereby, restraining the defendant from using and dealing in any manner with the trademark/trade name ‘RKREO’/ **RKREO** or any other mark deceptively similar to the trademark/trade name of the plaintiff.

9. Considering the submissions made before this Court, and considering the injunction being passed against the defendant, this Court directs the Trade Marks Registry to reject the application of the defendant for registration of the mark ‘RKREO’/ **RKREO** , registered vide Application No. 5579820, dated 23rd August, 2022. The said application of the defendant shall not be advertised by the Registrar of Trademarks and the



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same shall stand rejected.

10. Considering the fact that the present suit is still at its nascent stage, and is being disposed of in the first appearance of the defendant, the Registry is directed to issue a certificate of full refund of court fees to the plaintiff.

11. Decree sheet be drawn up, in terms of Prayer 'a' and 'b' of the prayer clause of the plaint. Further, the direction to the Trade Marks Registry, as aforesaid, shall also form part of the decree.

12. Accordingly, the present suit, along with the pending application, stands disposed of.

13. The next date of 29th August, 2024, before the Joint Registrar, is cancelled.

MINI PUSHKARNA, J

JULY 29, 2024

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