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

+ **CS(COMM) 473/2019 & I.A. 13479/2019**

CHALO MOBILITY PRIVATE LIMITED Plaintiff

Through: Mr. Raghu Vinayak, Advocate.

versus

RAJESH SHARMA & ANR. Defendants

Through: Mr. Diwas Kumar, Advocate with
Mr. Rajesh Sharma, D-1 in-person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.03.2024

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1. The Plaintiff, registered proprietor of the trademarks “SHUTTTL” and



“ ”, has filed the instant suit seeking to restrain the use of the



marks “SAFE SHUTTTL” and “ ” by the Defendants.

2. An *ex-parte* ad-interim injunction was issued in favour of the Plaintiff, restraining Defendants from using the afore-noted impugned marks on 29th August, 2019.

3. Today, Mr. Rajesh Kumar, Defendant No. 1, along with his counsel, Mr. Diwas Kumar, submits that the Defendants do not wish to contest the present suit and during the pendency of the proceedings, have adopted



another word/ device mark for their commercial operations, which has been intimated to the Plaintiff. They have also ceased the use of the impugned domain name “www.safeshuttl.com”. Mr. Sharma states since Defendants are no longer interested in using the marks impugned in the suit and have changed their trademark, they would have no objection in case a decree of permanent injunction as sought in prayer clauses (a), (b), (c) and (d) is issued in favour of the Plaintiff, provided the Plaintiff does not insist for costs or damages from the Defendants.

4. Mr. Raghu Sinha, counsel for Plaintiff, on instructions, states that Plaintiff does not have any objections to the new marks adopted by the Defendants. He submits that in light of the above statement made by the Defendants, Plaintiff is agreeable to give up the relief of damages and costs.

5. In view of the afore-noted stands of both parties, the suit is decreed in favour of Plaintiff and against Defendants, in terms of prayer (a), (b), (c) and (d) of the plaint. Remaining prayers are not being pressed by the Plaintiff.

6. The suit is decreed in the above terms.

7. Decree sheet be drawn up.

8. In view of the fact that the suit is being disposed of on consent terms, the request for refund of court fee is allowed. Registry is directed to issue a certificate for refund of full court fee in favour of the Plaintiff.

SANJEEV NARULA, J

MARCH 22, 2024

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