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

+ **CS(COMM) 554/2024 & I.A. No. 41508/2024**

M/S JINDAL (INDIA) LIMITED

.....Plaintiff

Through: Mr. Rishabh Srivastava with
Ms. Yashesvini Sharma, Advocates.
(M): 9958349040

versus

**M/S RAWALWASIA STEEL PLANT PRIVATE
LIMITED**

.....Defendant

Through: Mr. Sushant Singh with Mr. Sourav
Pattanaik, Advocates.
(M): 7978900270
Email: sushantlaw@gmail.com

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

ORDER
07.10.2024

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**I.A. No. 41508/2024 (Application under Order XXIII Rule 3 read with
Section 151 CPC)**

1. The present application has been filed under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC").
2. The plaintiff has filed the present suit seeking permanent injunction, restraining infringement of the plaintiff's trademark and copyright as also reliefs for passing off, delivery up, rendition of accounts, etc. against the defendant's impugned mark "HINDJAL



3. This Court had passed an *ex-parte* order of ad-interim injunction on 09th July, 2024 against the defendant and for any party acting for or on its



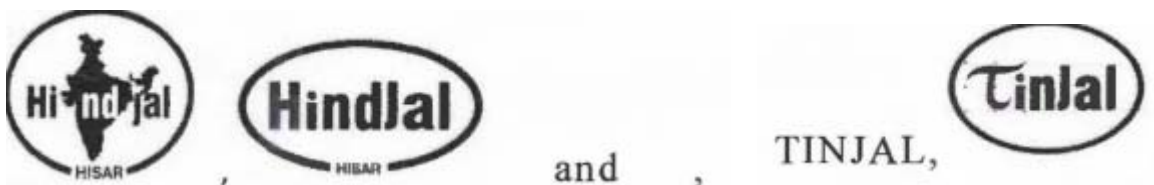
behalf restraining them from using the mark 'HINDJAL' or any other mark deceptively similar, thereto.

4. Learned counsels appearing for the parties submit that during the course of hearing, the parties have entered into an amicable settlement, the terms of which, are contained in Para 3 of the present application.

5. Thus, learned counsels appearing for the parties jointly submit that the suit be decreed, in terms of the settlement between the parties.

6. This Court has perused the terms of the settlement between the parties and finds the same to be lawful.

7. In terms of the settlement, the defendant has confirmed and affirmed that it will not infringe the marks of plaintiff i.e., "JINDAL", "JINDAL SABRANG", "JINDAL WITH MAP OF INDIA" and other variants and is ready to suffer the permanent injunction against use of mark "HINDJAL"



or any other mark/ label/ sign/ trade dress/ device/ name or domain name, which are identical with or deceptively similar to the plaintiff's registered



mark 'JINDAL', " with the map of India, ' JINDAL SABRANG' and other variants of the 'JINDAL' marks.

8. Further, the defendant has also undertaken that it shall withdraw as per procedure, the following applications:-

<u>Trade Mark Application no.</u>	<u>Trademark</u>	<u>Usage</u>	<u>Current Status</u>
5897307		Proposed to be used	Opposed

<u>Goods And Services:-</u>	Galvanized & black steel tubes and pipes, MS (Mild Steel) Pipes, tubes and hoses and fittings, including valves of metal, Metallic pipes, Metal pipes, Copper pipes, Steel pipes, Metal pipe elbows, Metal pipe clamps, Metal pipe junctions, Metal pipe joints, Metal pipe connectors, Metal pipe spacers, Metallic pipe spacer, Metal pipe extension, Metallic pipe extensions, Metal pipe supports, Metal pipe collars, Metal pipe clips, Metal pipe muffers, Metal pipe fittings, Metal pipe couplings, Metal branching pipes, Metal drainage pipes, Metal gutter pipes, Pipes of metal, Metal sewer pipes, Cast iron pipes included in class-06.		
5918316		Proposed to be used	Opposed
<u>Goods And Services:-</u>	Galvanized & black steel tubes and pipes, MS (Mild Steel) Pipes, tubes and hoses and fittings, including valves of metal, Metallic pipes, Metal pipes, Copper pipes, Steel pipes, Metal pipe elbows, Metal pipe clamps, Metal pipe junctions, Metal pipe joints, Metal pipe connectors, Metal pipe spacers, Metallic pipe spacer, Metal pipe extension, Metallic pipe extensions, Metal pipe supports, Metal pipe collars, Metal pipe clips, Metal pipe muffers, Metal pipe fittings, Metal pipe couplings, Metal branching pipes, Metal drainage pipes, Metal gutter pipes,		



	Pipes of metal, Metal sewer pipes, Cast iron pipes included in class 6.		
5914901		Proposed to be used	Opposed
<u>Goods And Services:-</u>	Galvanized & black steel tubes and pipes, MS (Mild Steel) Pipes, tubes and hoses and fittings, including valves of metal, Metallic pipes, Metal pipes, Copper pipes, Steel pipes, Metal pipe elbows, Metal pipe clamps, Metal pipe junctions, Metal pipe joints, Metal pipe connectors, Metal pipe spacers, Metallic pipe spacer, Metal pipe extension, Metallic pipe extensions, Metal pipe supports, Metal pipe collars, Metal pipe clips, Metal pipe muffs, Metal pipe fittings, Metal pipe couplings, Metal branching pipes, Metal drainage pipes, Metal gutter pipes, Pipes of metal, Metal sewer pipes, Cast iron pipes included in class 6.		

9. At this stage, learned counsel appearing for the defendant submits that applications for withdrawal have already been filed on behalf of the defendant, before the Trademark Registry.
10. Accordingly, the suit is decreed in favour of the plaintiff and against the defendant in terms of the settlement, as contained in Para 3 of the present application, which shall form part of the decree.
11. The Registrar of Trademarks is directed to expeditiously process and dispose of the withdrawal applications filed by the defendant.
12. In view of the fact that parties have arrived at a settlement, the Registry of this Court is directed to issue a Certificate for refund of full Court Fees in favour of the plaintiff.
13. Decree sheet be drawn up.
14. The present suit, along with pending application, stands disposed of.



15. The next date of hearing of 08th October, 2024 stands cancelled.

MINI PUSHKARNA, J

OCTOBER 7, 2024

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