



\$~11

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

+ **CS(COMM) 1017/2018 & I.A. 9148/2018**

DISH TV INDIA LTD.

..... Plaintiff

Through: **Mr. Rohan Swarup and Ms. Tanya
Arora, Advocates.**

versus

SBL SALES AGENCY & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

22.04.2024

%

1. Counsel for plaintiff points out that most of the defendants have either not appeared and some who have filed their written statement have since not appeared.
2. The status of the various defendants are as under:
 - (i) Defendant nos. 1 and 6 have not appeared and have since been proceeded *ex parte* by order dated 11th July, 2019 and 16th March, 2023 respectively.
 - (ii) Defendant no.2 filed their written statement but was not taken on record and accordingly the right was closed on 12th January, 2022.
 - (iii) With respect to defendant no.3, suit has been decreed on 24th May, 2023.
 - (iv) With respect to defendant no.4, suit has been decreed on 30th November, 2021.
 - (v) With respect to defendant no.5, plaintiff has not pressed for any other



relief.

- (vi) Defendant no.7 appeared and filed a written statement but thereafter did not appear and was proceeded *ex parte* on 16th March, 2023.
- (vii) With regard to defendant nos. 8,9,11 and 14, the suit has been decreed *vide* order dated 16th March, 2023.
- (viii) Defendant no. 10 has been proceeded *ex parte* and right to file written statement was closed *vide* order dated 18th March, 2019.
- (ix) With regard to defendant no.12, the suit was decreed *vide* order dated 24th May, 2023.
- (x) Defendant no. 13 is the Ministry of Consumer Affairs, against which no further relief is pressed.

3. Accordingly, counsel for plaintiff states that the remaining defendants against which he seeks a decree of permanent injunction are defendant nos. 1,2,6,7&10.

4. An *ad interim* injunction had been passed in favour of plaintiff on 19th July, 2018.

5. In these facts and circumstances, since there is no contest by the remaining defendants, plaintiff is entitled to a decree in terms of para 51(i) of the plaint, in the following terms:



- (i) A decree of permanent injunction restraining the Defendants being No. 1 to 12, its partners, its directors, licensees, servants, agents, franchisees, dealers, retailers, distributors, or any one acting for and on their behalf in any manner using the trademarks/trade names/logos/labels "dishtv", "d2h", "VIDEOCON d2h" and/or ,  either as a trademark, trade name, trading style, logo or any other mark or name same or deceptively similar to the Plaintiffs' well-known mark/trade name/logo/corporate name "dishtv", "d2h", "VIDEOCON d2h"/, , , in relation identical products/ services to that of the Plaintiff's or in any other form whatsoever, including online platforms such as www.indiamart.com so as to result in violation of Plaintiffs' statutory and common law rights thereby resulting in infringement,

and passing off, dilution etc; & in violation of copyright of the Plaintiff.

6. Decree sheet be drawn up accordingly in respect of defendant nos. 1,2,6,7&10.
7. Suit is accordingly, disposed of. Pending applications, if any, are rendered infructuous.
8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 22, 2024/RK/na