



\$~6

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

+ **CS(COMM) 1176/2016 & I.A. 10408/2016, I.A. 625/2017**

SANSHA HOSPITALITY SERVICES PVT LTD & ANR

..... Plaintiffs

Through: Mr. Manav Gupta, Mr. Sahil Garg,
Mr. Ankit Gupta, Mr. Abhinav Jain,
Mr. Mithil Malhotra and Ms.
Samiksha Jain, Advocates.

versus

M/S UNITED HOUSE

..... Defendant

Through: Ms. Anukriti Pareek, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.05.2024

%

1. Plaintiffs, registered proprietor of the trademark “SEVENSEAS’ (design/logo) and its formative marks, has filed the present suit alleging infringement and passing off of their mark by Defendant by use of an identical mark.

2. Counsel for both parties jointly inform that the parties have arrived at a mutual understanding in respect of their disputes, and the suit can be resolved on that basis. Ms. Anukriti Pareek, counsel for Defendant, states that although there is no injunction, the Defendant has ceased use of the impugned mark. The Defendant further undertakes to not use the impugned mark or any other mark deceptively similar to the Plaintiffs’ trademark, any time in the future.



3. The statement made by counsel for Defendant is taken on record, and Defendant is held bound by the same.
4. In light of the above, counsel for Plaintiffs states that he does not wish to press for the relief of damages or any other reliefs sought in the present suit, and basis the parties' agreement, he states that the Plaintiffs wish to withdraw the present suit. He, however, submits that if at a later point of time, the Defendant is found to be in breach of the undertaking noted above, the Plaintiffs shall reserve their right to take appropriate action by filing a fresh suit, in accordance with law.
5. Considering the statements made by the counsel for parties, the present suit is permitted to be withdrawn under Order XXIII Rule 1 of the Code of Civil Procedure, 1908 with liberty to the Plaintiffs to institute a fresh suit in respect of subject matter of the present suit, in case Defendant is found to be in breach of the undertaking given by them.
6. Dismissed as withdrawn, with liberty as aforesaid.
7. In view of the fact that suit is being resolved on the basis of an amicable settlement between parties, counsel for Plaintiffs' request for refund of 50% of court fee is allowed. Registry is directed to issue a certificate for refund of 50% court fee, in favour of the Plaintiffs.

SANJEEV NARULA, J

MAY 27, 2024
d.negi