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

+ **CS(COMM) 23/2022 and I.A. 554/2022, 8374/2022**

**CENTRAL PARK ESTATES PRIVATE LIMITED
& ORS.**

.....Plaintiffs

Through: Mr. Sandeep Sethi, Senior Advocate
with Ms. Shreya Sethi, Advocate.

versus

**ASHOKA DEVELOPERS AND BUILDERS LIMITED
& ORS.**

.....Defendants

Through: Mr. D. Abhinav Rao and Ms. Megha
Shaw, Advocates for D-1 to D-5.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
20.03.2025

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1. This suit is preferred by the Plaintiffs for permanent and mandatory injunction claiming infringement of registered Trademark CENTRAL PARK as also passing off, dilution of trademark and unfair competition. On 12.01.2022, Defendants No.4 to 6 had submitted that their project was launched earlier and was fully sold in 2017 but Defendants shall not use the impugned mark CENTRAL PARK for future projects. Court directed an affidavit to be filed in this regard. On 11.03.2022, Court took note of the fact that affidavit had not been filed but recorded the plea of the Defendants that since 200 sale transactions had been entered into, it was not possible to change the name of the existing project, i.e. 'Ashoka Central Park' but for future the mark shall not be used. Court restrained the Defendants from using the mark CENTRAL PARK in respect of any future projects at the



same time, granting time to the parties to see if they were willing to resolve the disputes amicably.

2. In terms of the aforesaid two orders, affidavit of undertaking has been filed by the Defendants on 19.03.2025 *albeit* the same is not on record. Copy is handed over in Court.

3. Learned Senior Counsel appearing for the Plaintiffs submits that Plaintiffs are satisfied with the undertaking given by the Defendants in the affidavit, however, they should be directed to remove any references related to CENTRAL PARK from their websites as also other social media posts/websites.

4. Learned counsel for the Defendants, on instructions, submits that all references to the mark CENTRAL PARK have been removed from the websites of the Defendants as also other social media sites. Sale deeds placed on record show no reference to the said mark. This position is controverted by Mr. Sandeep Sethi, learned Senior Counsel for the Plaintiffs who submits that several documents even today show that Defendants have not completely erased references to the CENTRAL PARK from the sites and in support hands over a compilation of documents.

5. After perusing the documents handed over by Mr. Sethi, learned counsel for the Defendants, who has reverted back with instructions, assures that all remaining references shall be removed within two weeks.

6. In light of the fact that the present project of the Defendants stands closed and they have given an undertaking not to use the mark CENTRAL PARK in any future project as also in light of the assurance that all references to the said mark on any website will be removed within two weeks, no further order is required to be passed and the suit is disposed of



along with the pending applications taking the undertaking and assurances of the Defendants on record, which needless to state will bind them.

JYOTI SINGH, J

MARCH 20, 2025/YA/s.Sharma