



\$~28

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

+ **CS(COMM) 218/2023 & I.A. 6930/2023, I.A. 2099/2024**

VIKAS PUBLISHING HOUSE PVT. LTD.Plaintiff

Through: Mr. Ashutosh Kumar, Mr. Vinod Chauhan, Mr. Swarnil Dey, Advocates (M:9880444377)

versus

RAJLUXMI PUBLICATIONS & ORS.Defendants

Through: Mr. Himanshu Jain, Mr. Siddharth Jain, Mr. Rahul Gulia, Advocates along with AR (M:7988358702)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

06.03.2025

%

1. The present suit has been filed seeking permanent injunction restraining the defendants from using the plaintiff's trademark 'GUNJAN', registered *vide* application nos. 2309565 in Class 9 and 2309566, in Class 16.
2. It is the case of the plaintiff that the defendants have been using the same mark as of the plaintiff's, for their books.
3. Learned counsel for the defendants, upon instructions from Authorized Representative of the defendants, submits that the defendants are ready to suffer a decree and do not wish to use the plaintiff's trademark 'GUNJAN'. He submits that the defendants have already given up the use of the trademark 'GUNJAN'.
4. At this stage, learned counsel for the plaintiff submits that the plaintiff is entitled to costs and damages. He submits that the plaintiff had to



approach this Court on account of the infringing activity, as despite cease and desist letter given on behalf of the plaintiff, the defendants did not stop their infringing activities.

5. He further submits that during the course of the execution of the local commission, infringing books with the mark of the plaintiff, were discovered from the premises of the defendants.

6. This Court has perused the report of the Local Commissioner, as well as has perused other record.

7. Considering the submissions made before this Court, wherein, the defendants have agreed to suffer a decree, the suit is decreed in favour of the plaintiff and against the defendants, in terms of Para 48 (a), (b) and (c) of the plaint.

8. Considering the facts and circumstances of the present case, and considering the report of the Local Commissioner, this Court is of the view that ends of justice shall be met, if costs and damages of ₹ 30 Lacs, is paid by the defendants to the plaintiff.

9. Accordingly, it is directed that the defendants shall pay costs and damages to the tune of ₹ 30 Lacs to the plaintiff, within a period of six months from today.

10. Let decree sheet be drawn up, in the aforesaid terms.

11. At this stage, learned counsel for the plaintiff submits that books that were seized by the Local Commissioner may be allowed to be used by the defendants. He submits that the defendants propose to tear the front cover and other pages, which contain the infringing mark of the plaintiff 'GUNJAN'.

12. Accordingly, the books that have been taken into custody by the Local



Commissioner and released on *Superdari* to the defendants, are directed to be released to the defendants. The defendants are at liberty to sell the books in question.

13. However, before selling the said books, the defendants shall change the cover of the said books, as well as remove other pages from the books which contain any reference to the plaintiff's trademark 'GUNJAN'.

14. Accordingly, the present suit, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

MARCH 6, 2025

au