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

I.A. 5027/2025

IN

+ CS(COMM) 275/2024

FRHI HOTELS & RESORTS S.A R.L.Plaintiff

Through: Mr. Zeeshan Khan & Ms. Vanshika
Arora, Advocates.

versus

ABDUL REHMAN & ORS.Defendants

Through: Mr. Subhash Chandran K.R. & Ms.
Krishna L.R., Advocates for D-1.
Mr. Jojo Jose, Mr. Navneet KK & Ms.
Nambi Rajan l., Advocates for D-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

25.02.2025

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CS(COMM) 275/2024

1. The present suit has been filed seeking relief of permanent injunction restraining the defendants from infringing the trademark, passing off, along with other ancillary reliefs.
2. Counsel for the plaintiff submits that the plaintiff would be satisfied if a decree of permanent injunction is passed in favour of the plaintiff and against the defendant no.1 and 3 in the present suit.
- 2.1 Counsel does not press for the reliefs of damages and costs claimed in



the plaintiff against the defendants no.1 and 3.

3. Counsel for defendant no.1 has no objection to the same since the defendant no.1 has already changed the name of its hotel to 'ROCK MOUNT INN'.

4. The defendant no. 3 has already been proceeded *ex-parte*.

5. In view of the above, a decree of permanent injunction is passed in favour of the plaintiff and against defendants no. 1 and 3, in terms of prayer clauses 58 (i), 58(ii), 58(iii), 58(iv) and 58(viii).

6. Insofar as the relief claimed in prayer 58(v) is concerned, counsel for defendant no. 1 submits that all the impugned listings have been taken down by defendant no. 1.

6.1 Hence the aforesaid prayer stands satisfied.

7. In the written statement filed on behalf of defendant no. 2, it has clearly been stated that defendant no. 2 was not a partner in the partnership firm M/s Fairmont Inn, which was running the hotel in the name of 'FAIRMONT INN'. The defendant no. 2 has also placed on record the partnership deed dated 22nd July 2019, which does not reflect his name. The defendant no. 2 has also stated that defendant no. 2 has not filed any application for the trademark 'FAIRMONT' and his name has been misused in the said application.

8. In view of the aforesaid stand taken in the written statement, the plaintiff does not press for the relief claimed against the defendant no. 2.

9. The suit stands decreed in favour of the plaintiff and against the defendants no.1 and 3 in the above terms.

10. Let the decree sheet be drawn up.

11. All pending application(s) shall stand disposed of.

12. The date fixed before the Joint Registrar on 18th March 2025 stands



cancelled.

13. Since the matter has been settled at an early stage, the Registry is directed to issue a certificate of refund of 100% of the Court Fees in the name of Mr. Rahul Chaudhry, counsel for the plaintiff, in terms of Section 16 of the Court Fees Act, 1870 of the Code of Civil Procedure, 1908 (in short 'CPC'), who shall thereupon refund the court fees to the plaintiff.

I.A. 5027/2025 (under Order VII Rule 11 of CPC for rejection of plaint)

14. This application has been filed on behalf of defendant no. 2, seeking rejection of the plaint, under Order VII Rule 11 of the CPC.

15. In view of the order passed above, the counsel for defendant no.2 does not press this application.

16. Accordingly, the application is dismissed as not pressed.

AMIT BANSAL, J

FEBRUARY 25, 2025

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