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

+ **CS(COMM) 516/2025 with I.A. 13456/2025**

BROTHERS TOBACCO CO

.....Plaintiff

Through: Mr. Umesh Mishra and Mr. Satish Kumar and Mr. Aakash, Advocates along with AR of the plaintiff.

versus

TEJ RAM DHARAM PAUL PRIVATE LIMITED AND ORS

.....Defendants

Through: Mr. Shailen Bhatia, Ms. Deeksha Gulati, Ms. Ishita Suri and Mr. Abhishek, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **29.05.2025**

1. Pursuant to the order passed by this Court on 27th May, 2025, Mr. Shailen Bhatia, counsel for the defendants, has returned with instructions. He submits that the defendants are agreeable to give up the impugned marks GOLDANA/ GOLDDANA/ TRDP GOLDANA/ TRDP GOLDDANA and adopt a new mark 'TRDP GOLDI DANA'.
2. The representation of the aforesaid new mark has been handed over in Court today. The same is taken on record.
3. Mr. Umesh Mishra, counsel appearing on behalf of the plaintiff, has no objection to the defendants using the aforesaid mark.
4. In view of the above, the suit is decreed in terms of prayer clauses (i),



(ii) and (iii) of the plaint.

5. Counsel for the plaintiff does not press for the remaining reliefs sought in the plaint.

6. Counsel for the defendants seeks and is granted three (3) months' time to exhaust the existing stock of the goods bearing the impugned marks.

7. Mr. Bhatia submits that the defendants shall amend/ withdraw the trade mark applications filed by the defendant no.2 for registration of the impugned word/ device marks GOLDANA/ GOLDDANA/ TRDP GOLDANA/ TRDP GOLDDANA, details of which are given in paragraphs no.32 and 33 of the plaint.

8. Mr. Bhatia further submits that the defendant no.2 shall withdraw the rectification application bearing no. 287332 filed by it seeking removal of the plaintiff's trade mark bearing no. 2025898 from the Register of Trade Marks.

9. Let the decree sheet be drawn up accordingly.

10. All pending applications stand disposed of.

11. Since the matter has been settled between the parties at the second hearing of the suit without issuance of summons, the Registry is directed to issue a certificate of refund of the entire Court Fees in favour of the plaintiff, in terms of Section 16 of the Court Fees Act, 1870.

AMIT BANSAL, J

MAY 29, 2025

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