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

+ **CS(COMM) 1214/2024 with I.A. 49963/2024**

PSTGEMS PRIVATE LIMITED

.....Plaintiff

Through: Mr. J. Sai Deepak, Senior Advocate
with Ms. Rima Majumdar, Mr. Aditya
Bats Sharma, Ms. Aashi Nema, Mrs.
Bindra Rana, Mr. Luv Virmani,
Advocates.

versus

MR ANURAG SAXENA & ORS.

.....Defendants

Through: Ms. Kangan Roda, Mr. Nitesh Jain,
Mr. Chirantan Priyadarshan,
Advocates for D-1 & D-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

21.01.2025

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1. At the hearing of the present suit on 20th January, 2025, it was recorded as under:

“1. A list of additional documents has been filed on behalf of the plaintiff. The plaintiff has placed on record a communication dated 14th January, 2025, filed on behalf of the defendant no.1 in the Trade Mark Registry seeking to withdraw the Trade Mark application No.6703365 in

class 5 in respect of the mark BRAMPIUM/

2. Plaintiff has also placed on record a reply dated 18th December, 2024 sent on behalf of the defendant no.1 in response to the plaintiff's legal notice dated 7th December, 2024, wherein the defendants have communicated their decision of discontinuing the use of the mark 'BRAMPIUM'.

3. Ms. Kangan Roda appearing on behalf of the defendants submits



that the aforesaid communications may be taken in respect of both defendants no.1 and 2.

3.1. She further submits that the defendants have also written to 'Flipkart', the only e-commerce platform on which defendant no.1's products are being sold, to take down the listing."

2. In view of the aforesaid statements made on behalf of the defendants no.1 and 2, a decree of permanent injunction is passed in terms of the prayer clause contained in paragraph no.43(i), (ii), (v) and (vi) of the plaint.
3. The plaintiff does not press for relief of damages and costs.
4. It is stated on behalf of counsel for the parties that listings of the impugned products have not been removed from the platform of Flipkart Internet Private Limited but have only been archived and the same still shows in Google search results.
5. In view of above, direction is issued to Flipkart Internet Private Limited to remove the listings of the impugned products from its platform.
6. Decree sheet be drawn up accordingly.
7. All pending applications stand disposed of.
8. In view of the fact that the matter has been settled on the second date of hearing, the Registry is directed to issue a certificate of refund of 100% of the Court Fees in favour of the plaintiff, in terms of Section 16 of the Court Fees Act, 1870, as applicable to Delhi.

AMIT BANSAL, J

JANUARY 21, 2025

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