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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 670/2019, IA No.17358/2019(u/O.XXXIX R-1&2 CPC)
RESINOVA CHEMIE LIMITED Plaintiff
Through: Mr. Sachin Gupta with Ms. Jasleen Kaur,
Mr. Pratyush Rao, Mr. Raj Nandini Mahajan
& Mr. Kartik Aggarwal, Advs.

Versus

SOBER FORMULATIONS PRIVATE LIMITED Defendant
Through: Mr. Rohit Rathi, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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22.01.2020

1. This order is in continuation of the earlier orders dated 9th December, 2019, 10th December, 2019 and 17th January, 2020.
2. The counsel for the defendant states that the defendant has not been using the impugned mark and has no intention to use the impugned mark and is willing to give an undertaking to the Court in this regard.
3. The counsel for the plaintiff however with the help of products shown to be bought on 26th November, 2019 contends that the defendant has been using the mark and further contends that though the decree for permanent injunction is being conceded, but the costs of the suit be awarded to the plaintiff against the defendant.
4. In the aforesaid circumstances, a decree is passed in favour of the plaintiff and against the defendant, of (i) permanent injunction in favour of the plaintiff and against the defendant, in terms of prayer paragraph 30 (a) and (b) of the plaint dated 7th December, 2019; and, (ii) recovery of costs limited to the Court fees paid on the plaint legal fees and expenses

assessed at Rs.2 lakhs; however, if the defendant, on or before the end of February, 2020, pays a sum of Rs.2 lakhs to the plaintiff through counsel, the decree for recovery of the remaining costs shall stand satisfied; else the plaintiff shall be entitled to execute the decree for recovery of entire costs together with interest at 6% per annum.

5. Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J.

JANUARY 22, 2020

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