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

+ CS(COMM) 1076/2018 & I.A. 10902/2018

V GUARD INDUSTRIES LTD. Plaintiff
Through Mr. Sachin Gupta, Advocate

versus

DEEPAK KHAJURIA Defendant
Through Mr. Narendra Gautam with
Mr. Subhash Yadav, Advocates.
Mr. Deepak Khajuria, Defendant in
person.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
12.11.2018

Present suit has been filed for permanent injunction restraining infringement of trademark, passing off, unfair competition, declaration, rendition of accounts of profits/damages, delivery up etc.

This Court by way of a detailed order dated 16th August, 2018 granted an ex-parte injunction order restraining the defendant from manufacturing, selling, offering for sale, advertising, dealing in electronic/electric goods including but not limited to stabilizer, fans, UPS, invertors and transformers under the mark V-GAURD or other trademark which is deceptively similar to the plaintiff's trademark V-GUARD.

Learned counsel for the defendant, on instruction of the defendant-Mr. Deepak Khajuria, Sole Proprietor of M/s. Shiva Electrical Works states that he has no objection if the present suit is decreed in accordance with paragraph 28(a) and (b) of the plaint.

He further states that the defendant shall withdraw its registration applications for the mark V-GAURD.

He also states that the defendant shall pay a cost of Rs. 50,000/- in full and final settlement.

Learned counsel for the plaintiff states that in view of the aforesaid undertaking, he does not wish to press the suit for any other or further relief. He also states that the cost be used for a charitable purpose.

The undertakings given by learned counsel for defendant are accepted by this Court and the defendant is held bound by the same.

The cost of Rs. 50,000/- is directed to be paid by the defendant to the Lok Nayak Hospital, New Delhi within eight weeks and a receipt of the same shall be filed within one week thereafter.

Registry is directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector full amount of the Court fee paid by it in the present suit.

Accordingly, the present suit and the application stand disposed of. Registry is also directed to prepare a decree sheet accordingly.

MANMOHAN, J

NOVEMBER 12, 2018

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