

[CS \(COMM.\)/893/2022](#)

CNR No. : DLNW010115232022

PUMA SE

VS.

OM PRAKASH AND ANOTHER

03-07-2023

Present: Sh. Varun Khanna and Sh. Ankush Aggarwal,
counsels for plaintiff.

Sh. Kartikay Kaushik, counsel for
defendant no.1 and 2.

Heard. File perused.

Process of defendants nos. 1 and 2 received back
after service. Fresh vakalatnama filed on behalf of both
defendants.

Two separate applications under Order 23 Rule 3
CPC alongwith separate memorandum of understanding moved
on behalf of parties jointly. Heard.

It is jointly submitted that present matter has been
settled between plaintiff and defendant no.1 and defendant no.2
and in this regard separate memorandum of understanding has
also been executed between parties and therefore it is prayed that
suit be disposed off in terms of settlement in respect of defendant
no.1 and 2. Heard. Let statement of parties be recorded separately
to this effect. Statement recorded. Perused.

This is a suit for permanent injunction restraining
infringement of trademark(s), passing off, damages, rendition of
accounts, delivery up, etc filed against the defendant. Therefore,
in the totality of the facts and circumstance and in view of
statements recorded today and memorandum of understandings/

Contd....2/-

settlement Ex.S1 and Ex.S2, the suit is decreed in favour of plaintiff and against defendants no.1 and no.2 in terms of Ex.S1 and Ex.S2 and defendant no.1 and no.2 are restrained from using trade mark/ trade name/ trade dress/ logo **PUMA** or any other mark which is identical and / or confusingly or deceptively similar to registered trade mark/ logo of plaintiff **PUMA**, which amounts to infringement of registered trademark and copy right and further they shall not pass off their goods as that of plaintiff. Decree sheet be drawn accordingly. The settlement Ex.S1 and Ex.S2 shall form part and parcel of this order.

In view of above, the applications under Order 23 Rule 3 CPC stands disposed off.

Court fee be refunded as per rule.

File be consigned to record room.

(GURDEEP SINGH)
DISTRICT JUDGE (COMMERCIAL COURT)
NORTH WEST/ROHINI/DELHI
03-7-2023