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

+ **CS(COMM) 558/2024 & I.A. No. 35525/2024**

SPREAD HOME PRODUCTS PVT. LTD.Plaintiff

Through: Mr. Aaditya Das, Adv. (Through VC)

versus

HOMESCAPES @ KESRI TRANSCONTINENTALDefendant

Through: Ms. Rajeshwari H. and Ms. Swapnil Gaur, Advs.

M: 9897905254

Email: swapnilqanr@ralegal.co.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **05.08.2024**

I.A. No. 35525/2024 (Application seeking release of the seized goods by the Local Commissioner during the raid on behalf of the defendant)

1. Learned counsel appearing for the plaintiff submits that the main counsel is not available.
2. Considering the nature of the present application, it transpires that the defendant no more intends to use the infringing mark. Further, the defendant has sought that the outer package containing the infringing mark, be destroyed in the presence of the plaintiff. It is further prayed through this application that the tag bearing "MY DOCTOR PILLOW" shall also be cut, and destroyed and the pillows which remain, can be used by the defendants for its own use and business.
3. Considering the aforesaid, this Court is of the view that once the



defendant does not intend to use the infringing mark, then the suit can be decreed in favour of the plaintiff, accordingly.

4. Learned counsel appearing for the defendant submits that she has no objection if the suit is decreed in favour of the plaintiff in view of the averments made by the defendant in the present application.

5. Learned counsel appearing for the plaintiff is directed to seek instructions in this regard.

6. Re-notify on 16th August, 2024.

MINI PUSHKARNA, J

AUGUST 5, 2024/kr