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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 558/2024, I.A. 32786/2024, I.A. 38889/2024, I.A.
41850/2024, I.A. 42800/2024 & I.A. 42801/2024
SPREAD HOME PRODUCTS PVT. LTD.Plaintiff

Through: Mr. Shubham Dayma, Adv.
M: 9999954005

versus

HOMESCAPES @ KESRI TRANSCONTINENTALDefendant
Through: Ms. Rajeshwari H. And Ms. Swapnil
Gaur, Adv.
M: 9897905254

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **24.02.2025**

I.A. 41850/2024 (Application seeking condonation of delay for filing written statement)

1. The present is an application filed on behalf of the defendant for condoning the delay of forty days in filing the written statement.
2. This Court notes that the filing of the written statement is within the statutory period.
3. Considering the submissions made before this Court, the delay of forty days in filing the written statement is condoned. The written statement is directed to be taken on record.
4. Noting the aforesaid, the present application is disposed of.

CS(COMM) 558/2024

5. This Court notes *vide* order dated 05th August, 2024, the statement



made by learned counsel appearing for the defendant has been recorded, wherein, it has been stated clearly on behalf of the defendant that it has no objection if the suit is decreed in favour of the plaintiff.

6. Learned counsel appearing for the defendant reiterates the stand of the defendant today. She submits that the defendant does not intend to use the mark in question, i.e., MY DOCTOR PILLOW.

7. Learned counsel appearing for the plaintiff on the other hand presses for costs and damages.

8. Considering the submissions made before this Court, the suit is decreed in favour of the plaintiff and against the defendant, in terms of paragraph 43 (a) to (e) of the plaint.

9. Let decree sheet be drawn up.

10. As regards the prayer of the plaintiff for costs and damages, the suit will proceed for trial.

11. Since the written statement on behalf of the defendant has been taken on record today, the plaintiff is granted liberty to file replication thereto, the statutory period for which shall be counted from today.

12. List before the Joint Registrar (Judicial) for further proceedings on 01st April, 2025.

MINI PUSHKARNA, J

FEBRUARY 24, 2025/kr