



\$~25

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

+ **CS(COMM) 558/2024 & I.A. 35525/2024**

SPREAD HOME PRODUCTS PVT. LTD.

.....Plaintiff

Through: Mr. Shubham S. Dayma, Advocate
Mob: 9999954005

versus

HOMESCAPES @ KESRI TRANSCONTINENTALDefendant

Through: Ms. Rajeshwari H. And Ms. Swapnil
Gaur, Advocates and Mr. Tahir A.J.
Advocate.
Mob: 8826363206

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
16.08.2024

%

1. The present suit has been filed by the plaintiff for permanent injunction restraining the defendant from infringing the plaintiff's trademark 'DOCTOR PILLOW' registered vide trademark application no. 2306110, copyright, passing off, rendition of accounts and damages.
2. By way of order dated 10th July, 2024, this Court had passed an *ex-parte ad interim injunction* against the defendant, thereby restraining them from using the mark 'MY DOCTOR PILLOW', since the same was found to be infringing the plaintiff's registered mark 'DOCTOR PILLOW'.
3. An application being I.A. 35525/2024, has been filed on behalf of the defendant. By way of the said application, the defendant has undertaken that the defendant shall stop using the mark 'MY DOCTOR PILLOW' and has



also undertaken not to use the same in future.

4. Considering the submissions made in I.A. 35525/2024, it is directed that the goods of the defendant that were seized by the Local Commissioner, shall be released to the defendant. However, before releasing the same to the defendant, the package bearing the mark 'MY DOCTOR PILLOW' as well as the tag 'MY DOCTOR PILLOW', shall be destroyed in the presence of the plaintiff.

5. Accordingly, it is directed that the plaintiff and/or its representative, shall visit the premises of the defendant on 2nd September, 2024 at 4:30 PM. The products shall be duly handed over to the defendant after destroying the infringing packaging and the tag containing the impugned mark.

6. Considering the aforesaid, this Court is of the view that the matter can be decreed in favour of the plaintiff and against the defendant. However, at this stage, learned counsel appearing for the plaintiff presses for cost and damages.

7. Thus, for the purposes of arriving at a settlement, as regards the cost payable by the defendant to the plaintiff, this Court is of the view that the matter be referred to the Delhi High Court Mediation Conciliation Centre, to be listed before the Mediator, on 22nd August, 2024.

8. List before the Court on 19th September, 2024.

9. Copy of this order be forwarded to Delhi High Court Mediation Conciliation Centre, forthwith.

MINI PUSHKARNA, J

AUGUST 16, 2024

ak