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

+ **CS(COMM) 1042/2024 & I.A. 22250/2025**

TATA SONS PRIVATE LIMITED & ANR.Plaintiffs

Through: Mr. Dhruv Anand, Ms. Udit Patro,
Mr. Rohil Bansal and Mr. Chirayu
Prahlaad, Advocates

versus

NAMITA BHUYAN & ANR.Defendants

Through: Mr. Gaurav Gel, Adv.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **23.09.2025**

1. This order is being passed in continuation of the order dated 09.09.2025.

2. Learned counsel for the defendant state that at paragraph '2' of their Written Statement dated 07.09.2025, the Defendants have stated that they had used the packaging similar to that of the plaintiff for a brief period of January 2024-September 2024 and as soon as they realized that their packaging is similar to the packaging of the plaintiff; in the month of September 2024 defendant withdrew their impugned packaging and resorted to use of the packing used earlier, and the same has been shared with the plaintiff's counsel by e-mail dated 18.01.2025.

2.1 He clarifies that the aforesaid statement made by the defendants pertain to all 4 impugned packaging, which are mentioned at paragraph 38 of the Plaint.



2.2 He states that the defendants undertake to never use the impugned packaging or any other packaging similar to the Plaintiffs' suit packaging.

3. In view of the aforesaid submissions made by the Defendants and the undertaking given by the Defendants, learned counsel for the Plaintiffs states that the plaintiffs forego their claim for costs and damages and pray that the present suit be decreed in favour of the Plaintiffs in terms of prayers for permanent injunction sought in paragraphs 84 (i), (ii), (iii), and (iv) of the plaint.

4. The statements and undertakings given by the parties are accepted by this Court and the parties are bound by the same.

5. The defendants are directed to file an undertaking in terms of the submission recorded hereinabove within a period of two (2) weeks and to place the e-mail dated 18.01.2025 with the said affidavit.

6. Consequently, a decree of permanent injunction in terms of prayer sought in paragraph 84 (i), (ii), (iii), and (iv) of the plaint is passed in favour of the plaintiff and against the defendants; and the remaining reliefs seeking costs and damages are hereby disposed of as not pressed.

7. However, it is clarified that in case defendant nos. 1 and 2 commit any breach of this undertaking, in the future the plaintiffs will be entitled to file a fresh cause of action and claim aggravated damages against the defendants herein.

8. The registry is directed to prepare a decree in terms of this order and order dated 23.09.2025.

9. Learned counsel for the plaintiff prays that in view of the aforesaid settlement arrived at between the parties and the initial stage of the proceedings, the court fee may be refunded.



10. Keeping in view the aforesaid facts, the registry is directed to refund 100% Court Fee in favour of Plaintiff within six (6) weeks, in accordance with law. The said direction has been passed having regard to Section 16 and 16A of the Court Fees Act, 1870, and the judgment of the Supreme Court in **High Court of Judicature at Madras v. M.C. Subramaniam & Ors**¹

11. Pending applications, if any, are disposed of.

12. All future dates stand cancelled.

13. In case, defendant nos. 1 and 2 do not file their affidavit within two (2) weeks, the registry is directed to list the matter before the Court.

14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 23, 2025/msh/AJ

¹ (2021)3 SCC 560