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

+ **CS(COMM) 679/2017**

MEX SWITCHGEARS PVT. LTD.

.....Plaintiff

Through: Mr. Amit Jain, Ms. Zeba Tarannum
Khan and Mr. Ashutosh Pandey,
Advs.
M: 9818558690

versus

OMEX CABLES INDUSTRIES & ANR.

.....Defendants

Through: Mr. Umesh Mishra and Ms.
Yashodhara Raina, Advs.
M: 9868401295
Email: u_k_mishra@yahoo.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

23.08.2024

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1. It is pointed out that in terms of the judgment dated 3rd August, 2018 passed by the Division Bench of this Court, the defendants have been restrained from using the mark 'OMEX GOLD'.
2. Accordingly, it is manifest that the defendants have been using some other mark and carrying out their business under some other mark, since the year 2018.
3. Upon query as to the new mark which is being used by the defendants, learned counsel appearing for the defendants submits that he needs time to take instructions, as his clients are based in Chennai.
4. This Court is of the view that the suit can be decreed in case the defendants undertake to continue to use the other mark, which the



defendants have been using since the year 2018, after passing of the injunction order dated 18th August, 2018, passed by Division Bench of this Court.

5. At this stage, learned counsel appearing for the plaintiff submits that cost/damages, ought to be granted in favour of the plaintiff.

6. This aspect shall be considered by this Court on the next date of hearing. In case the defendants are agreeable to continue to use the mark, which they adopted in the year 2018, the Court shall pass an appropriate order, accordingly.

7. At request, re-notify on 18th September, 2024.

MINI PUSHKARNA, J

AUGUST 23, 2024/kr