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

+ **CS(COMM) 732/2022 & I.A. 17155/2022**

SUJATA CHAUDHRI Plaintiff
Through: Mr.Dushyant Mahant,
Mr.Jaskaran Singh, Advs. with plaintiff in
person

versus

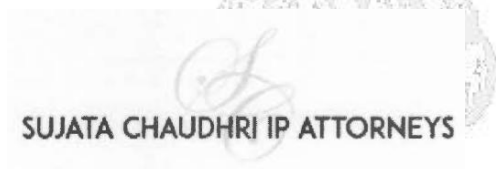
SWARUPA GHOSH Defendant
Through: Ms.Sugandh Shahi, Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (O R A L)

% **13.02.2023**



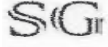

1. The plaintiff is the proprietor of Sujata Chaudhri IP Attorneys, a law firm engaged primarily in intellectual property litigation. The plaintiff is also the proprietor of the following registered trademark:



2. The plaintiff complains of infringement and passing off, by the defendant, of the plaintiff's registered trademark by using the

impugned marks  and .

3. Consequent to issuance of summons, the defendant has filed an affidavit dated 16th November 2022, agreeing to give up the impugned

marks  and  with effect from 1st January 2023, and, in their place, to adopt the logos  and .

4. Ms. Shahi submits that the aforesaid changes have already taken place and that, therefore, with effect from 1st January 2023, the defendant is no longer using the impugned marks.

5. She further submits that her client had initially filed an application for rectification and an opposition for removal of the plaintiff's mark from the Register of Trade Marks but that, consequent to withdrawal of the said applications, the plaintiff's mark is now being reflected as "registered" on the website of the Registry of Trademarks.

6. Mr. Mahant, learned Counsel for the plaintiff submits that, in that view of the matter and keeping in fact that the litigation is between advocates, his client would not be pressing for costs and damages. However, he seeks refund of the court fees which were deposited by the plaintiff.

7. In view of the aforesaid, nothing survives for adjudication in the suit.

8. The suit stands decreed in terms of the the statements made in Court today and the affidavit dated 16th November 2022 filed by the

defendant.

9. Let a decree sheet be drawn up accordingly.
10. The plaintiff is also entitled to be refunded the court fees paid by it.
11. Miscellaneous application also stands disposed of.
12. Order to be uploaded on the website of this Court within 24 hours

C.HARI SHANKAR, J

FEBRUARY 13, 2023/kr

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