

IN THE HIGH COURT OF DELHI AT NEW DE

CS(OS) 1150/2014

PEPSICO,INC and ANR Plaintiffs

**Through : Ms.Pratibha M. Singh, Sr. Adv. with
Ms.Anusuya Nigam, Advs.**

versus

HECTOR BEVERAGES PVT LTD and ORS

Through : Mr.Abhay Pandey and Ms.Swati Se

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

O R D E R

03.09.2014

Plaintiffs have filed the present suit for permanent restraining acts of infringement of disparagement, dilution, unfair competition, damages, rendition of accounts. Subject matter of the present suit is an advertisement of the defendants in a well known newspaper with the title "Paper Boat".

While issuing summons in the suit and notice dated 25.04.2014, this Court had passed an ex parte order. Operative portion of the interim order reads as follows:

"..... Accordingly, till the next date of hearing, the defendants, servants, agents, employees, or any one acting in concert, are restrained from printing, getting printed and publishing, or impugning promotional material or any advertisement, or comparing

the details of their product PAPER BOAT with the details of the plaintiff's product SLICE, jointly or separately, in any form, in print

or electronic form, to promote their own products, or to cause disparagement, infringement of trademark, or unfair competition

of the plaintiff's brand, product, business, reputation, or goodwill. However, it is made clear that defendants would not be restrained without saying "Katti Slice" or any reference to the plaintiff's advertisement."

Learned counsel for the parties submit that the

decreed in favour of the plaintiff and against
of
the following agreed terms:

(i) Defendants undertake to the Court not to
mark 'SLICE' with respect to beverages in a
would
amount to disparagement of the said trade
SLICE;

(ii) With respect to the advertisement in ques
dated 25.4.2014 be confirmed and a decree b
settlement recorded hereinabove;

(iii) In view of the settlement arrived at betw
reliefs prayed in the present suit are given up

Accordingly, stands decreed in favour of the]
the defendants in agreed above terms, lea
their

own costs. Court appreciates the efforts pu
for
the parties for early resolution of the matter.

I.A. 7508/2014 (STAY)

As agreed, interim order dated 25.4.2014 sta

Application stands disposed of.

G.S.SISTANI, J

SEPTEMBER 03, 2014

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