

**ORDER SHEET
HIGH COURT OF SINDH, KARACHI**

Suit No. 1868 of 2017

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Target Brands Inc.,.....Plaintiff

Versus

Target Store.....Defendant

Date of hearing 08.03.2018

Mr. Muhammad Bashir Abbasi advocate for the plaintiff.

Mr. Kazim Raza Abbasi advocate for the defendant.

JUDGMENT

Muhammad Ali Mazhar, J: This is a suit for passing-off, infringement of trade mark “Target & Bullseye” Design, Injunction, accounts and damages. The plaintiff has averred in the suit that they have registered trade mark “Target & Bullseye” design in many parts of the world including Pakistan which is a plaintiff’s core international brands. Since the plaintiff considered violation of the trade mark by the defendant, therefore, this suit has been filed. On 16.08.2017 while issuing notice to the defendant a restraining order was passed against the defendant from using the trade mark of plaintiff.

2. Learned counsel for the defendant pointed out written statement filed by the defendant through Jamil ur Rehman son of Shaikh Zikar ur Rehman who is proprietor of the

defendant's firm. The defendant in their written statement clearly stated in paragraph No. 2 to 6 as under:-

“2. It is respectfully submitted that the Defendant has adopted trade mark “TARGET & Bullseye Design” without knowing the fact this trade mark belongs to the Plaintiff. In addition to this, the Defendant was also not aware that the said trade mark is registered in the name of the Plaintiff in Pakistan.

3. It is respectfully submitted that through this instant Suit it has come into the knowledge of the Defendant that the Plaintiff is legal and lawful owner of the trade mark “TARGET & Bullseye Design” in Pakistan.

4. It is respectfully submitted that in compliance of the restraining order of this Hon'ble Court, the Defendant immediately removed the sign boards/banners from his Shop.

5. It is respectfully submitted that Defendant hereby undertakes not to use the trade mark “TARGET & Bullseye Design” or any similar mark thereto independently or in conjunction with any other trade mark in future.

6. It is respectfully submitted that in view of the above facts and circumstances the Defendant humbly pray that the instant Suit may be disposed of without imposing any cost.”

3. Since the defendant has taken a clear stance that it was not in his knowledge that plaintiff has registered trade mark in its favour but as soon as it came in the knowledge of defendant through restraining order they have removed the signboard and banners from their shop and a clear undertaking has also been given in the written statement that they will not use the trade mark “TARGET & Bullseye Design” or any similar mark thereto independently or in conjunction with any other trade mark in future. Under order XV Rule 3

C.P.C if the Court finds out that parties are not at issue the judgment can be pronounced at once.

4. Since the defendant has accepted the claim of the plaintiff to the extents of registered trade mark, therefore, learned counsel for the plaintiff is satisfied and he submits that this suit may be decreed to the extent of undertaking given by the defendant in the written statement and the plaintiff is not interested to press for the relief of accounts and damages. The suit is decreed accordingly. All pending applications are also disposed of.

JUDGE

Aadil Arab