

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

+ **Execution Petition No.2/2007 & EAs No.106/2013 & 449/2014**

Decided on : 20.07.2015

IN THE MATTER OF:

SKOL BREWERIES LTD.

..... Decree Holder

Through : Ms. Nancy Roy, Advocate

versus

D.D.FOOD PRODUCTS

..... Judgment Debtor

Through : Mr. Dhruva Bhagat and
Ms.Ashna Bhalla, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% **20.07.2015**

EA No.697/2015(u/O XXIII R 3 CPC)

1. The Decree Holder has filed the present petition praying *inter alia* for execution of the consent judgment and decree dated 5.4.2006, passed in CS(OS) No.370/2005. As per the Decree Holder, despite having given undertakings to the court, the Judgment Debtor failed to comply with the terms of settlement and the Decree Holder was constrained to file the present petition.

2. Notice was issued in the present petition on 4.1.2007, whereafter appearance was entered by the Judgment Debtor and during the pendency of the present petition, a joint application has been filed by the Decree

Holder and the Judgment Debtor, wherein Mr. Inderjeet Dhingra, proprietor of the defendant firm has given a series of undertakings to the court, acknowledging the absolute ownership and right of the Decree Holder in and to the trademarks, "HAYWARDS", "HAYWARDS 5000" and the distinctive HAYWARDS label and/or the distinctive HAYWARDS 5000 soda bottle shape. The Judgment Debtor has also acknowledged the trademark, "5000" and the distinctive HAYWARDS 5000 soda bottle shape associated with the products of the Decree Holder. Further, the Judgment Debtor has agreed that he would pay liquidated damages to the tune of ₹10,00,000/- to the Decree Holder in the event of violating the terms of the settlement. In consideration of the said undertakings, the Decree Holder has agreed not to proceed further with the execution petition.

3. Counsels for the parties state that the undertakings of the Judgment Debtor be taken on record and the petition be disposed of.

4. The court has perused the application that has been signed by Mr. Inderjeet Dhingra, proprietor of the Judgment Debtor firm and the constituted attorney of the Decree Holder and their respective counsels and the same is supported by the affidavits of the signatories to the application.

5. In view of the terms and conditions of the settlement recorded in the present application and the undertakings given by the Mr.Inderjeet Dhingra, proprietor of the Judgment Debtor firm, the present petition is disposed of. Mr.Inderjeet Dhingra, proprietor of the Judgment Debtor firm shall remain bound by the undertakings recorded in the present application, failing which, he has been apprised of the adverse consequences spelt out in para 4 of the application.

6. The application is allowed and disposed of. The present petition is disposed of, along with pending applications.

(HIMA KOHLI)
JUDGE

JULY 20, 2015
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