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

+ CS(OS) 1390/2009

BESTOCHEM FORMULATIONS(I) LIMITED Plaintiff
Through: Mr. S.K. Joshi, Advocate for
Mr. Surender Singh, Advocate

versus

MR.NITIN BLAGGAN & ORS. Defendants
Through: Mr. Chander Shekhar Patney, Adv.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
03.09.2015

I.A. 17599/2015 (joint application u/O XXIII R 3 CPC)

1. At the outset, learned counsel for the plaintiff seeks leave to delete the name of the defendant No.1 from the array of the defendants on the ground that it has been informed by the defendants that the said defendant is no more associated with the defendant No.2/company as a director or in any other capacity.

2. In view of the submission made hereinabove, the name of the defendant No.1 is deleted from the array of the defendants. Amended memo of parties enclosed with the present application is taken on record. The same shall be placed in part I file.

3. The present joint application has been filed by the parties stating *inter alia* that during the pendency of the suit, they have been able to

arrive at an out of court amicable settlement, the terms and conditions whereof have been set out in para 2 of the application.

4. Counsels for the parties state that in terms of the settlement, the defendants have admitted the plaintiff to be the owner and registered proprietor of the trademark, "FLUWEL" in respect of pharmaceutical and medicinal preparations in class 5 and have further given a series of undertakings and declarations to the plaintiff. The defendants have also stated that they do not have any objection to the suit being decreed in favour of the plaintiff in respect of the reliefs prayed for in prayer clause 26(a) and (b) of the plaint. In lieu of the undertakings given by the defendants, the plaintiff has agreed to forgo the reliefs of damages, costs and delivery up as prayed for in paras 26(c) to (e) of the plaint. Counsels for the parties state that the suit may be decreed in terms of the settlement recorded in the application.

5. The Court has heard the counsels for the parties and examined the averments made in the application. The same has been signed by the Directors of the plaintiff and the defendants, who have been authorised by their respective companies to arrive at a settlement as also by the respective counsels and is duly supported by the affidavits of the signatories to the application.

6. As counsels for the parties jointly state that their clients have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the said settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.

7. The suit is decreed in terms of the settlement recorded in the application, while leaving the parties to bear their own expenses. Decree Sheet be drawn accordingly.

8. The suit is disposed of, along with the pending application.

9. File be consigned to the record room.

HIMA KOHLI, J

SEPTEMBER 03, 2015

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