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

+ CS(OS) 2671/2014

ANCHOR HEALTH & BEAUTY CARE PVT LTD Plaintiff
Through: Mr. Sudeep Chatterjee, Advocate
with Mr. Karan Bajaj, Advocate

versus

VIRANI PHARMA PVT LTD & ANR Defendants
Through: Mr. P.R. Chatterji, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
01.10.2015

I.A. 20872/2015 (joint application u/O XXIII R 3 CPC)

1. 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 negotiated settlement. The terms and conditions of the settlement have been set out in para 3 of the application, whereunder the defendants have acknowledged the copyright of the plaintiff in the "ANCHOR" label/logo/device and have given a series of undertaking to the plaintiff. The defendants have also agreed to pay a sum of Rs.4 lacs to plaintiff towards litigation costs.
2. Counsel for the plaintiff confirms that he has received a cheque for the sum of Rs.4 lacs. Counsel for the defendants assures the Court

that the said cheque when presented shall be duly encashed. Learned counsels state that the suit may be decreed in view of the settlement arrived at between the parties.

3. The Court has heard the counsels for the parties and examined the averments made in the application. The same has been signed by the authorized signatories of the plaintiff and defendants No.1 and 2 and their respective counsels and the same is duly supported by the affidavits of the signatories.

4. 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.

5. The suit is decreed in accordance with the terms and conditions recorded in the compromise application. Decree sheet be drawn accordingly.

6. At this stage, learned counsel for the plaintiff states that in view of the fact that the parties have arrived at a settlement through court annexed mediation prior to framing of issues in the suit, the plaintiff is entitled to claim refund of the court fees in terms of Section 16 of the

Court Fees Act.

7. In view of the aforesaid submission made by the counsel for the plaintiff, the Registry is directed to issue a certificate in favour of the plaintiff for refund of the court fees, as per law.
8. The suit is disposed of alongwith the pending application.
9. File be consigned to the record room.

HIMA KOHLI, J

OCTOBER 01, 2015

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