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

+ CS(OS) 3247/2014 and I.A. No.20954/2014

METRO INSTITUTES OF MEDICAL SCIENCES P.LTD..... Plaintiff
Through: Mr. Sachin Gupta, AdvocatePravin

versus

METRO CITY HOSPITAL Defendant
Through: Mr.P.C.Arya and
Mr.Ajay Pal Singh, Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
14.09.2015

IA No.25861/2015(joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that they have arrived at a settlement whereunder, the defendant has recognized the plaintiff to be the proprietor of the trademark/trade name, "METRO" in respect of medical and hospital services. Further, the defendant has given a series of undertakings to the plaintiff. Defendant has also undertaken to use the mark, "METROPOLITAN CITY HOSPITAL" in the agreed font, colour and size without giving prominence to any part of the aforesaid words. The defendant has paid a sum of Rs.15,000/- to the plaintiff as costs. In view of the aforesaid undertakings given by the defendant, the plaintiff has given up the relief of rendition of costs.

2. Counsels for the parties state that the suit be decreed in terms of the settlement recorded in the present application.

3. The court has perused the present application. The same has been signed by the authorised representatives of the plaintiff and the defendant and their respective counsels. The same is supported by the affidavits of the signatories to the application.

4. As the counsels for the plaintiff and the defendant jointly state that they 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 settlement. The parties shall remain bound by the terms and conditions of the settlement. The application is taken on record.

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

6. The suit is disposed of, along with pending application.

File be consigned to the record room.

HIMA KOHLI, J

SEPTEMBER 14, 2015

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