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

+ CS(OS) 2518/2015 & IA No.17472/2015

PUMA SE & ANR Plaintiff

Through : Mr. Manav Kumar, Advocate

versus

FOOTWEAR (KLICK) INDIA PVT LTD & ORS. Defendants

Through : Mr. P.C. Arya, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **03.11.2015**

I.A.No.23167/2015 (joint application u/O XXIII R 3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the present proceedings, they have arrived at an out of court settlement.
2. The details of the terms and conditions of the settlement have been set out in para 2 of the application, whereunder the defendants have acknowledged the plaintiffs to be the registered proprietor of the trademark No.407833 in respect of Form Strip logo in class 25 and further, given a series of undertakings to the plaintiffs. The defendants have also agreed to pay a sum of Rs.3.00 lacs to the plaintiffs as token damages.

3. Counsel for the defendants states that the aforesaid amount has already been tendered to the plaintiffs, which fact is confirmed by the counsel for the plaintiffs. Counsel for the plaintiffs states that in view of the undertakings given by the defendants to the plaintiffs, the plaintiffs have given up the claim for damages and costs in the present suit. Counsels for the parties jointly state that in view of the settlement arrived at between the parties, the suit may be decreed.

4. The Court has pursued the present application. The same has been signed by the constituted attorney of the plaintiffs and the defendant No.2, who is the Director of the defendants No.1, for himself and for and on behalf of the defendants No.1 & 3, apart from their respective counsels. As for defendant No.4, it is clarified by learned counsels that the defendant No.4 is not an independent entity but only a manufacturing unit of the defendant No.1. The application is supported by the affidavits of the signatories to the application.

5. As counsels for the plaintiffs and the defendants 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 settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.

6. The suit is decreed in terms of the settlement arrived at and recorded in the application, while leaving the parties to bear their own costs.
7. The suit is disposed of, along with the pending application.
8. File be consigned to the record room.

NOVEMBER 03, 2015
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HIMA KOHLI, J