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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.374/2016 & IA No.10371/2016 (under Order 23 Rule
3 of the CPC).
FDC LIMITED Plaintiff

Through: Mr. Prithvi Singh, Adv.

versus

MR RAHUL JAIN & ORS Defendants

Through: Mr. Shiv Chopra, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **26.08.2016**

1. The plaintiff instituted this suit for permanent injunction to restrain the defendant from using the mark 'CIFI' in relation to pharmaceutical products, owing to the same being similar/deceptively similar to the registered trademark 'ZIFI' of the plaintiff and for ancillary reliefs.
2. The suit was entertained though no interim relief granted.
3. On 21st July, 2016 the counsels stated that settlement talks were underway.
4. IA No.10371/2016 has been filed under Order 23 Rule 3 of the Code of Civil Procedure, 1908 (CPC) and the counsel for the plaintiff and the counsel for all the six defendants support the application and state that the application is signed by the authorised representative of the plaintiff and by the defendant no.2 Mr. Vipin Kumar Jain for self and as authorised representative of all the other defendants and is also accompanied by their affidavits and the application is also signed by the respective Advocates.

5. I have perused the settlement arrived at between the parties and find the same to be lawful subject to the clarification that the plaintiff in terms of para 4 of the application shall have to institute an independent suit and not execution of this compromise decree.
6. The same is agreeable to counsel
7. IA No.10371/2016 is allowed on these terms.
8. The suit is decreed in terms of settlement contained in IA No.10371/2016 and this order and both of which shall form part of the decree sheet.

Costs in terms of IA No.10371/2016.

Decree sheet be prepared.

The date of 31st August, 2016 stands cancelled.

RAJIV SAHAI ENDLAW, J

AUGUST 26, 2016

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