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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS (COMM) 600/2016 & IA Nos. 19339, 19342/2015

HSIL LTD

..... Plaintiff

Through: Mr. Manav Gupta with Ms. Debushree
Mukherjee and Mr. Sahil Garg, Advocates.

versus

R K ENTERPRISES

..... Defendant

Through: None.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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22.08.2016

IA No. 9967/2016 (u/O XXIII Rule 3 CPC)

1. This is an application jointly filed by the parties under Order XXIII Rule 3 CPC read with Section 151 of the Code of Civil Procedure 1908 ('CPC') placing on record the Settlement Agreement ('SA') dated 5th August 2016 arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre ('DHCMCC'). They pray for pronouncing a decree in terms of the SA dated 5th August 2016 and issue a certificate authorizing the Plaintiff to receive the full amount of court fee from the Collector of Stamps.

2. The application has been signed and supported by the authorized representatives of the Plaintiff and the Defendant.

3. The application is allowed as prayed for in the above terms.

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4. In terms of the SA dated 5th August 2016 arrived at between them, which terms are treated as forming part of the present order, the suit is decreed in terms thereof. Decree sheet be drawn up accordingly.

5. In terms of para 8 (3) of the SA, as regards the infringed products seized by the Local Commissioner, the authorized representative of the Plaintiff and Defendant shall undertake within a period of two weeks from today, on any mutual convenient date and time, to destroy all the infringed products lying at the Defendant's premises.

6. As regards refund of court fees, since the settlement has been arrived at pursuant to the mediation before the DHCMCC, the Plaintiff is entitled to refund of the full court fee under Section 16 of the Court Fees Act, 1870.

7. The Registry will now prepare, and issue to the Plaintiff, within two weeks from today, a certificate entitling the Plaintiff to receive back from the Collector of Stamps the full amount of the court fees paid by the Plaintiff on the plaint.

8. The suit and the pending applications are disposed of.

S.MURALIDHAR, J

AUGUST 22, 2016

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