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

+ **CS(COMM) 798/2016**

RED BULL AG Plaintiff

Through: Mr. Naqeeb Nawab, Adv.

Versus

**UNIVERSAL NUTRITIOUS PRODUCTS PVT LTD
& ANR** Defendants

Through: Mr. Balvinder S. Mouji, Mr. Rajiv
Varma, Janender Kumar Chumbak,
Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **13.07.2016**

IA No.8037/2016 (of plaintiff and D-1 u/O 23 R-3 CPC)

1. The plaintiff in this suit for injunction restraining infringement of registered trademarks and for ancillary reliefs has settled with the defendant No.1 on the terms and conditions contained in the application.
 2. The counsel for the plaintiff and the counsel for the defendants support the application and state that the application bears the signatures of the authorised representatives of the plaintiff and the defendant No.1. The application is also supported with affidavits of the said authorised representatives.
 3. I have perused the compromise application, the terms whereof, save for Clause 3.11 thereof which provides for payment by the defendant No.1 of liquidated damages of Rs.30 lakhs in the event of being in breach of the
- CS(COMM) 798/2016*

compromise, are found to be lawful.

4. The counsel for the plaintiff on enquiry as to how the said Clause 3.11 will be enforced states that an independent suit will be filed therefor.

5. With the aforesaid clarification, the compromise is found to be lawful and is allowed.

6. The suit, insofar as against the defendant No.1, is decreed in terms of the compromise application which shall form part of the decree sheet, leaving the parties to bear their own costs.

7. The counsel for the plaintiff states that the payment of Rs.2 lakhs mentioned in Clause 3.9 of the compromise application has already been received from the defendant No.1.

8. As far as the defendant No.2 is concerned, the counsel for the plaintiff states that the defendant No.2 has also filed an affidavit in support of the compromise application and in view whereof, the suit against the defendant No.2 is not being pressed.

9. Decree sheet be drawn up.

10. The date of 17th August, 2016 is cancelled.

RAJIV SAHAI ENDLAW, J.

JULY 13, 2016

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