

\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 819/2016 & IA Nos. 16110/2015 (U/O.39,R-1&2) &
16114/2015 (U/S.65 (a) & (b) of Evidence Act)

ZYDUS WELLNESS LIMITED Plaintiff
Through Ms. Namrita Kochhar, Advocate

versus

NUTRITIOUS FOODS & SPREADS & ORS Defendants
Through Mr. Siddhartha Yadav with Ms. Ishita
Yadav Advocates for defendants no.1 and
2 along with defendant no.2 in person.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI

% **ORDER**
03.11.2016

Plaintiff has filed the present suit for permanent injunction restraining violation and infringement of rights in the trade name/marks/packaging of NUTELITE, passing off & infringement of copyright, delivery of mis-representation and fraud, damages, rendition of accounts etc.

During the pendency of this matter, the parties have arrived at an amicable settlement before the Mediation Centre on 22.08.2016. A copy of the settlement agreement has been placed on record, which is marked as exhibit P-1.

Counsel for the parties pray that the present suit be decreed in terms of exhibit P-1. Ms. Kochhar points out that additionally, parties have agreed that the defendants would issue a letter to the Trade Mark Registry and seek withdrawal of their application bearing no. 2829678 for NUTELITE.

Counsel for the defendant submits that the communication would

be addressed within two weeks from today, a copy thereof shall be sent to the plaintiff and a copy thereof shall also be filed in Court.

I have heard counsel for the parties. The settlement agreement exhibit P-1 is duly signed by the authorised representative of the plaintiff as also the authorised representative of the defendants.

Counsel for the parties submit that this agreement was signed by their respective parties in their presence and the agreement has also been signed by the counsel and the Mediator, along with the settlement agreement. Copy of the resolution passed by the Board of Directors authorising the authorised representative of the plaintiff has also been filed. A letter of undertaking of defendant nos. 3 and 4 has been filed.

In view of the settlement arrived at between the parties, the present suit is decreed in terms of exhibit P-1 and the statement made by the counsel in Court. The Court appreciates the efforts put in by the parties, counsels and the Mediator in early resolution of the matter.

The applications are disposed of.

Interim order is confirmed.

G.S.SISTANI, J.

NOVEMBER 03, 2016

P