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

+ CS(COMM) 938/2016 & IA Nos.16682/2014, 19422/2014,
21064/2014

DLF LIMITED

..... Plaintiff

Through: Mr. Aditya Gupta, Advocate

versus

G WEBBOOK AND ANR

..... Defendants

Through: Mr. Saurabh Suman Sinha, Advocate
for defendant No.2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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15.09.2016

IA No.11333/2016 (Order XXIII Rule 3 CPC)

1. The present application has been filed by the parties, stating, *inter alia*, that during the pendency of the suit, they have been able to arrive at an out-of-court settlement, the terms and conditions whereof have been set-out in para 2 of the application whereunder the defendants have acknowledged that the plaintiff is the prior adopter, user and registered proprietor of the trademark 'CAMELLIA' and 'CAMELLIAS' and have undertaken not to challenge the validity of the said trademarks. The defendants have also undertaken not to use the mark 'GRAND CAMELLIA' or any mark deceptively similar to the marks 'CAMELLIA/CAMELLIAS'. The remaining terms and conditions of the said Settlement have been set-out in

sub-paras (d) to (k) of para 2 of the compromise application.

2. Learned counsel for the parties state that the suit may be decreed in terms of the Settlement arrived at between them and recorded in the present application.

3. The Court has perused the application. The same has been signed by the authorised signatories of the plaintiff and the defendants as also their respective counsels and is supported by the affidavits of the signatories to the application.

4. As the counsels for the plaintiff and the defendant jointly state that they 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.

5. The suit is decreed in terms of the settlement arrived at and recorded in the application while leaving the parties to bear their own expenses.

6. The suit is disposed of along with all the pending applications.

7. File be consigned to the record room.

HIMA KOHLI, J

SEPTEMBER 15, 2016

tp/ap