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

+ CS(COMM) 41/2015

M/S RSPL LIMITED Plaintiff

Through : Mr.D.K. Yadav, Adv.

versus

M/S ANKIT CHEMICAL WORKS Defendant

Through : Mr.Amit Tomar, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **19.10.2016**

I.A. 12781/2016

Plaintiff has filed the present suit under Sections 134 and 135 of the Trade Marks Act, 1999, and under Section 51 of the Indian Copyright Act seeking permanent injunction, restraining passing off, infringement of trademark and copyright, delivery up, damages, rendition of accounts, etc.

During the pendency of this matter, the parties have arrived at an amicable settlement.

Present application has been jointly filed by the parties under Order XXIII Rule 3 of the Code of Civil Procedure for recording the terms of settlement arrived at between the parties. This application is duly signed by the Authorised Representative of the plaintiff, Proprietor of the defendant and the respective counsel for the parties. This application is also supported by the affidavits of the Authorised Representative of the plaintiff and the Proprietor of the defendant. This application is marked as Exhibit P-1.

Learned counsel for the parties submit that in view of the settlement arrived at between the parties, present suit may be decreed in favour of the plaintiff and against the defendant in terms of prayer 49(A) (i) to (iii) of the plaint.

Heard counsel for the parties. Having regard to the fact that the parties have arrived at an amicable settlement, present application is allowed. Suit stands decreed in favour of the plaintiff and against the defendant in terms of prayer 49(A) (i) to (iii) of the plaint. Let a decree sheet be drawn up accordingly.

Since the matter has been resolved through mediation of the parties at the initial stage, as prayed, the plaintiff would be entitled to refund of court fee. Let a necessary certificate be issued to the plaintiff.

I.A. NOS. 25619/2015 (O 39 R 1 & 2) & 25620/2015 (O 26 R 9)

Applications stand disposed of in view of above.

G.S.SISTANI, J

OCTOBER 19, 2016

msr