

\$~2

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

+ CS(COMM) 108/2017

MOTHER DAIRY FRUIT AND VEGETABLE PVT LTD

..... Plaintiff

Through Mr.Rahul Tyagi, Advocate.

versus

M/S AMRIT PAWAN FOOD PRODUCTS Defendant

Through Mr.Rahul Pratap with Mr.Anupam
Siddhartha, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **25.10.2017**

The present suit has been filed for permanent injunction restraining infringement of registered trademark, passing off, damages, rendition of accounts, delivery up etc.

On 27th July, 2017, the present suit was referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in the present case has been successful through the efforts of Ms.Isha Khanna, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 25th August, 2017.

It is pertinent to mention that the Supreme Court in *Afcons Infrastructure Ltd. Vs. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24* while dealing with Section 89 of the CPC observed that the settlement agreement will have to be placed before the Court

for recording it and in disposing of the suit in its terms, the Court should apply the principle of Order 23 Rule 3 of the CPC and make a decree in terms of the settlement in regard to the subject matter of the suit, to make such settlement effective.

This Court is satisfied that the compromise between the parties contained in the aforesaid Settlement Agreement is lawful and satisfies the requirements of Order 23 Rule 3 CPC. Therefore, this Court does not find any impediment in decreeing the present suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 25th August, 2017 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Registry of this Court is also directed to issue to an authorised representative of the plaintiff a certificate authorizing it to receive back from the Collector the half amount of the Court fee paid by it in the present suit.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

**OCTOBER 25, 2017
KA**