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

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Judgment delivered on: 22.08.2017

+ CS(COMM) 131/2016 & IA 2393/2016

FAB INDIA OVERSEAS PVT. LTD

..... Plaintiff

versus

AWADH HATHKARGHA HASTSHILP

..... Defendant

Advocates who appeared in this case:

For the Petitioner : Ms. Kripa Pandit and Mr. Dhruv Nayar, Advs.

For the Respondents : Ms. P. Priya, Adv.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The plaintiff has filed the present suit for permanent and mandatory injunction restraining the defendant from infringing the registered Trademark "FAB INDIA" of the plaintiff.

2. The parties were referred to mediation. The parties through the

process of mediation have settled their disputes and the settlement agreement dated 28.07.2017 has been executed between the parties.

3. The settlement agreement dated 28.07.2017 is signed by the authorized representative of the plaintiff as well as the authorized representatives of the defendant and also by the counsel for the parties. The settlement agreement is marked ***Exhibit C - 1***.

4. The terms of the settlement are recorded in Clauses 6A to 6I of the settlement agreement ***Exhibit C - 1***. Learned counsel for the parties pray that the suit be decreed in terms of Clauses 6A to 6I of the settlement agreement ***Exhibit C - 1***.

5. I have perused the terms of the settlement agreement and find the same to be lawful. The undertakings given by the defendant and as recorded in settlement agreement ***Exhibit C - 1*** are accepted. The defendant is bound down to his undertaking.

6. The Suit is decreed in terms of Clauses 6A to 6I of the settlement agreement ***Exhibit C - 1***. The settlement agreement shall form part of the decree.

7. Decree Sheet be drawn up.

8. Since the disputes have been settled through the process of mediation, the plaintiff is entitled to refund of appropriate court fees. The Registry is directed to issue a certificate authorizing the plaintiff to recover appropriate court fees from the concerned authority in accordance with law.

AUGUST 22, 2017
‘rs’

SANJEEV SACHDEVA, J

