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

+ CS(OS) 758/2013 & I.A. 6715/2013

LOUIS VUITTON MALLETIER Plaintiff

Through: Mr. Dhruv Anand, Advocate with
Ms. Shamina Nooreyeezdan and
Ms. Udit Patro, Advocates.

versus

JATIN & ORS

..... Defendants

Through: Mr. Puneet Agrawal, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **07.07.2017**

The present suit has been filed for permanent injunction restraining infringement of trade marks, passing off, dilution and tarnishment, damages, delivery up etc.

On 21st July, 2016, 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 Mr. Bhupesh Narula and Mr. Yudhvir Singh Chauhan, Advocates-Mediators.

A Settlement Agreement dated 06th July, 2017 has been executed between the parties.

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 disposing of the suit in its terms and 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 satisfies the requirements of Order 23 Rule 3 CPC. The compromise contained in the aforesaid Settlement Agreement is lawful and therefore, this Court does not find any impediment in decreeing the suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 06th July, 2017 which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Since the present case has been settled before the Delhi High Court and Mediation Centre, Registry is directed to issue a certificate authorising the representative of the plaintiff to receive back from the Collector the entire amount of Court-fee paid by it in respect of the present suit.

With the aforesaid observations, present suit and pending application stand disposed of.

MANMOHAN, J

JULY 07, 2017

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