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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 225/2017 & CM APPL. 10736/2017

SAGU DREAMLAND PVT LTD Petitioner
Through: Mr. H.L. Tikku, Senior Advocate with
Ms. Yashmeet Kaur, Advocate.

versus

HUKUM CHAND DESWAL & ORS Respondents
Through

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
20.03.2017

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Present contempt petition has been filed alleging wilful disobedience of Clause 'g' of the Settlement Agreement dated 28th May, 2015 and affirmed vide order dated 31st August, 2015 passed in CS(OS) 1592/2014 and decreed vide order dated 30th June, 2015 in CS(OS) 2041/2013.

It is pertinent to mention that vide Clause 'g' of the Settlement Agreement, the respondents undertook not to use the trademark "SPLASH" in any manner and the cases filed by either of the parties in this regard were to be withdrawn.

Learned senior counsel for petitioner states that the respondents in wilful disobedience of Clause 'g' of the aforesaid Settlement Agreement are still using the trademark "SPLASH". He further states that the respondents vide three applications dated 18th February, 2016 have applied for

registration of trademark “SPLASH ISLAND” with the trademark registry on 19th February, 2016.

In the opinion of this Court, as the second suit filed by the respondent being CS(OS) 2041/2013 has been decreed in accordance with the Settlement Agreement dated 28th May, 2015, petitioner has an alternative effective remedy of filing execution proceedings.

Consequently, the present contempt petition and application are disposed of with liberty to the petitioner to file execution proceedings.

MANMOHAN, J

MARCH 20, 2017

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