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

+ **CS(COMM) 186/2017**

ARICENT & ANR.

..... Plaintiffs

Represented by: Ms. Deepshikha Malhotra and
Mr. Lakshay Kaushik,
Advocates.

versus

ARICENT ORGANIZATION & ORS.

..... Defendants

Represented by: Mr. Vivek Singh and Mr.
Swastik Dalai, Advocates.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.10.2017

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I.A. No. 12211/2017 (under Order XXIII Rule 3 CPC)

1. By this application the plaintiffs pray for decreeing the suit in terms of the settlement arrived at between the parties.
2. Application is disposed of taking the settlement on record and decreeing the suit in terms of the settlement.

CS(COMM) 186/2017

1. Parties have settled the matter on the following terms and conditions as noted in para-2 of I.A. No. 11017/2017 (under Order XXIII Rule 3 CPC):

"A. The Defendants acknowledge the absolute proprietary and common law rights of the Plaintiffs in the trademark and name ARICENT.

B. The Defendants undertake not to adopt, use, or register, or cause any other party to adopt, use, or register, the ARICENT mark or any other similar mark as a

trademark, tradename, domain name or in any manner whatsoever with respect to any goods or services;

- C. The Defendants undertake not to object to or challenge Plaintiffs' rights and use or registration of the ARICENT mark;*
- D. The Defendants shall not use or apply for registration of any service mark, Trademark and/or trade name, domain name consisting of or incorporating the term 'ARICENT', or any other term that may be confusingly similar to the Plaintiffs' registered trademark;*
- E. The Defendant No.3 acknowledges the ownership of Plaintiffs over the mark 'ARICENT' and agree to transfer the domain name www.aricentorg.in in the name of the Plaintiffs;*
- F. The Defendants acknowledge and agree that that any breach of this agreement may result in irreparable harm to the Plaintiffs. Accordingly, the Defendants agree that if there is any breach by the Defendants in any section of this Agreement, the Plaintiffs shall be entitled to injunctive relief along with damages."*

2. Application is signed by Shri Praveen Jain, the authorized signatory of plaintiff No.1 and plaintiff No.2, authorization in whose favour has been filed along with the application.
3. Application is also signed by Shri Amarjeet Singh, defendant No.2 and proprietor of defendant No.1 and by Shri Milan Mistry, defendant No.3.
4. The suit is accordingly decreed in terms of settlement as noted above.
5. Decree sheet will incorporate the terms of the settlement.
6. Court fee be returned to the plaintiffs under Section 16A of the Court Fee Act.

I.A. No. 3089/2017 (under Order XXXIX Rule 1 and 2 CPC)

Application is disposed of as infructuous.

MUKTA GUPTA, J.

OCTOBER 24, 2017

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