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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 274/2016, IA No.4047/2016 (under Order XXXIX Rules 1&2 CPC), IA No.6328/2016 (under Order XXXIX Rule 4 CPC), IA No.6329/2016 (under Order VII Rule 11 CPC), IA No.6330/2016 (under Order I Rule 10 CPC) and IA No.13148/2016 (under Order XXXIX Rule 2A CPC).

RELAXO FOOTWEARS LIMITED Plaintiff

Through: Mr. Pravin Anand, Adv.

versus

PARTH INDIA POLYMER & ORS Defendants

Through: Mr. Ashish Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.12.2017

1. The sole plaintiff and the five defendants, namely (i) M/s Parth India Polymer; (ii) M/s Bhawani Plastic; (iii) Sanjeev Bansal; (iv) Subhash Bansal; and, (v) Vinod Bansal, in this suit for (a) infringement of trade mark; (b) trade dress; (c) passing off; and, (d) and for ancillary reliefs, were vide order dated 27th April, 2017 referred to the Mediation Cell of this Court.
2. Mediation has been successful with the efforts of Ms. Girija Krishan Varma, Advocate / Mediator and a Settlement Agreement dated 24th November, 2017 purporting to be signed by / on behalf of the parties as well as their Advocates and the Mediator has been received from the Mediation Cell of this Court.
3. The counsel for the plaintiff and the counsel for all the defendants support the Settlement Agreement and seek a decree in terms thereof.

4. I have perused the contents of the Settlement Agreement which are found to be lawful and allow the same.
5. A decree is passed in favour of the plaintiff and jointly and severally against the defendants in terms of Settlement Agreement which shall form part of the decree sheet, leaving the parties to bear their own costs.
6. The undertakings of the defendants as contained in the Settlement Agreement are also accepted by this Court and the defendants are ordered to be bound thereby and cautioned through the counsel of consequences of breach of undertaking given to this Court.
7. Decree sheet be drawn up.
8. A certificate entitling the plaintiff to refund of 60% of the court fees paid on the suit be issued and handed over to the counsel for the plaintiff.

RAJIV SAHAI ENDLAW, J

DECEMBER 20, 2017

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