

\$~20

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

+ CS(OS) 1585/2013

SUN PHARMACEUTICAL INDUSTRIES LIMITED Plaintiff

Through Mr.Shashi P.Ojha, Advocate.

versus

MAX CERAMICS PVT LTD & ANR Defendants

Through Mr.Amit Gupta with Ms.Kapila
Mahendroo, Advocates for D-1 & 2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

07.11.2017

The present suit has been filed for permanent injunction restraining infringement of copyright, trade mark, passing off, rendition of accounts of profits, delivery up, acts of unfair competition etc.

On 25th July, 2017, 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.Rakesh Sachdeva, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 31st October, 2017.

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 in disposing of the suit in its terms, 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 dated 31st October, 2017 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 present suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in accordance with paragraphs 25 (a) to (c) of the plaint as well as the Settlement Agreement dated 31st October, 2017 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

With the aforesaid observations, the present suit stands disposed of.

MANMOHAN, J

**NOVEMBER 07, 2017
KA**