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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 474/2016 & I.As. 17325/2015, 21608/2015 AND
21967/2015

FORME COMMUNICATIONS TECHNOLOGY LIMITED
THROUGH MS. DU CHANLU Plaintiff
Through: Mr. Kamaldeep Dayal, Advocate.

versus

SH. OM & SONS & ORS Defendants
Through: Ms. Perna Sinha, Advocate for
Mr. Sidharth Joshi, Advocate for
defendants No.3 and 4.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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12.07.2017

Present suit has been filed for permanent injunction restraining infringement of registered trade marks, passing off, delivery up and damages.

At the outset, learned counsel for plaintiff states that he has instructions not to proceed against defendants No.5, 6 and 7.

Consequently, defendants No.5, 6 and 7 are deleted from the array of parties. Let an amended memo of parties be filed within a period of one week.

It is pertinent to mention that on 15th December, 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. Inderbir Singh Alag, Senior Advocate-Mediator.

A Settlement Agreement dated 23rd March, 2017 has been executed between the parties.

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 23rd March, 2017 which is marked as Ex.C-1 and in particular paragraphs 67 (i), (ii) and (iii) of the plaint. Registry is directed to prepare a decree sheet in terms thereof.

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

MANMOHAN, J

JULY 12, 2017

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