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

+ RFA(OS) 44/2016

THE GOLD GYM & ANR

..... Appellants

Represented by: Praveen Chauhan, Advocate

versus

GOLDS GYM LICENSING LLC USA

..... Respondent

Represented by: Mr.Sohan Singh Rana with
Mrs.Bindra Rana, Ms.Priya
Adlakha, Mr.Daljeet Dabas
Advocates

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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15.03.2017

CM No.10162/2017

1. This is an application under Order 23 Rule 3 of the Code of Civil Procedure. It has been jointly filed by the appellants and the respondent. The second appellant is the sole proprietor of the first appellant. The application has been signed by the appellant No.2 and the counsel for the appellants. On behalf of the respondent it has been signed by the counsel for the respondent as also the authorized signatory of the respondent.
2. The appellants have suffered a decree for injunction restraining appellants from using the respondent's trade mark GOLD'S GYM. Damages in sum of ₹10 lakhs have also been awarded.
3. By way of above captioned application parties have brought on record a settlement as per which the appellants agree to suffer the decree for

injunction. The respondent has agreed to waive damages and cost awarded.

4. Since a bona-fide settlement has been arrived at between the parties, which is reflected in the application, we allow the application as prayed for.

5. The application is disposed of.

RFA(OS) No.44/2016

1. In view of the order passed hereinabove the date May 04, 2017 is cancelled. Hearing of the appeal is pre-poned for today.

2. In view of the settlement between the parties and the order passed hereinabove in CM No.10162/2017, the appeal is disposed of setting aside the impugned judgment and decree insofar ₹10 lakhs with costs has been awarded against the appellants and in favour of the respondent. The impugned judgment and decree is upheld qua the remainder. Suit filed by the respondent is disposed of passing a decree in terms of prayer (a) and (b), without there being any order as to cost.

3. No cost in the appeal.

PRADEEP NANDRAJOG, J.

YOGESH KHANNA, J.

MARCH 15, 2017

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