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

+ **CS(COMM) 294/2017**

M/S HONEY PRODUCTS SERVICE PROVIDER Plaintiff

Through **Mr.Kushagra Bansal, Advocate.**

versus

MONEY PRODUCTS & ANR Defendants

Through **Mr.D.K.Yadav, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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24.10.2017

The present suit has been filed for permanent injunction restraining infringement of trademark, passing off, dilution, infringement of copyright, rendition of accounts, damages and declaration of well known mark and costs.

On 21st September, 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.Kishore M. Gajaria, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 09th 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 is lawful and satisfies the requirements of Order 23 Rule 3 CPC. 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 terms of the aforesaid Settlement Agreement dated 09th October, 2017 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Registry of this Court is also directed to issue to an authorised representative of the plaintiff a certificate authorizing it to receive back from the Collector the half amount of the Court fee paid by it in the present suit.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

**OCTOBER 24, 2017
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