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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2269/2013 & I.As. 19771/2013 AND 608/2014

GILEAD SCIENCES INC

..... Plaintiff

Through: Ms.Mamta Jha, Advocate with
Ms. Shruttima Ehersa, Advocate.

versus

LYKA LABS LIMITED & ANR

..... Defendants

Through: Mr. Ranjan Narula, Advocate with
Ms. Astha Joshi, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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07.12.2017

Present suit has been filed for permanent injunction restraining infringement of trade mark, passing off, unfair competition and damages, rendition of accounts, delivery up etc.

On 18th 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. D.R. Nigam, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 17th November, 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 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 terms of the aforesaid Settlement Agreement dated 17th November, 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, present suit and all pending applications stand disposed of.

MANMOHAN, J

DECEMBER 07, 2017

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