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

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Judgment delivered on: 11.10.2017

+ CS(COMM) 1270/2016 & I.A. 10109/2017

FDC LIMITED

..... Plaintiff

versus

SUPERSTAR NUTRITION LIMITED & ANR

..... Defendants

Advocates who appeared in this case:

For the Petitioner : Mr. Utkarsh Joshi, Adv.

For the Respondent : Ms. Sania Husaini and Mr. Rahat Bansal, Advs.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.10.2017

1. The plaintiff had filed this suit, inter-alia, seeking permanent injunction thereby restraining the defendants from infringing the registered Trademark ELECTRAL of the plaintiff.

2. By order dated 31.08.2017, the parties were referred to mediation.

3. The parties have arrived at a settlement through the process of mediation and the settlement agreement dated 10.10.2017 has been executed.

4. The original settlement agreement has been received from the Delhi High Court Mediation and Conciliation Centre. The same is taken on

record.

5. The agreement is signed by the authorized representatives of the plaintiff as well as the defendants and also their respective counsels. The settlement agreement dated 10.10.2017 is marked as **Exhibit C – 1**. The terms of settlement are contained in clauses , more particularly settlement clauses A to I.

6. I have perused the terms of the settlement and find the same to be lawful.

7. Learned counsel for the parties submit that in view of the settlement agreement the suit be decreed in terms thereof.

8. The undertaking given by the defendants is accepted.

9. The suit is accordingly decreed in terms of the settlement agreement **Exhibit C – 1**. Decree Sheet be drawn up accordingly. The settlement agreement **Exhibit C – 1** shall form part of the decree.

10. Since the suit has been settled prior to the plaintiff's leading any evidence on the merits of the claim, the plaintiff is entitled to refund of the appropriate court fees paid on the plaint in terms of Section 16(A) of the Court Fees Act, 1870 as amended for the State of Delhi. Registry is directed to issue a certificate to the plaintiff authorizing the plaintiff to seek a refund of the appropriate court fees from the concerned authority in accordance with law.

OCTOBER 11, 2017/‘rs’

SANJEEV SACHDEVA, J