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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 495/2017**
KLEENOIL FILTRATION INDIA PVT LTD

..... Plaintiff

Through : Mr.Rupin Bahl, Adv.

versus

**ECOTECH ENVIRONMENTAL AND PETROMARINE
ENGINEERING PVT LTD**

..... Defendant

Through : Mr.Dharmendra Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **30.10.2017**

During the proceedings the matter was settled between the parties.

On 27.10.2017 the statements of Mr.Prasad G. Thomas, the Managing Director of the defendant company and Ms.Nancy Roy, counsel for the plaintiff were recorded by the Joint Registrar. Statement of Mr.Prasad G. Thomas runs as under:-

“I am the managing director of the defendant company and I am authorized by resolution dated 19.02.2016 to make statement on behalf of the defendant company. Copy of the resolution is Ex. C1. Defendant company has voluntarily agreed to settle the matter with the plaintiff and the terms of settlement have been explained to me by my learned counsel. Having clearly understood the terms and agreed by those terms, I make the following statement.

The Defendant undertakes to this Hon'ble Court that the Defendant including their partners, agents, distributors, suppliers, affiliates, licensees, representatives and assigns shall refrain from manufacturing, authorizing the manufacturing, distributing, exporting, selling, offering for sale, advertising, promoting, displaying and/or using in any manner whatsoever, any product bearing the impugned marks KLEENOIL and/or any other product bearing any mark and/or trade name which is identical and/or deceptively and confusingly similar to the Plaintiffs registered trade mark KLEENOIL, MICRONFILTRATION as a trade mark or part of a trade mark, trade name or a part of trade name, name of business concern or part of name of business concern, domain name or part of domain name or in any other manner whatsoever, in relation to any goods or services, or in relation to any promotional, marketing or advertising material or any other material used or intended to be used for labelling or packaging or for advertising any goods or services, which would amount to infringement of the registered trademarks of the Plaintiff. The defendant company will only use the mark "ECOTECH MICROFIETRATION" as a composite mark.

The defendant company shall not be liable for the activities of M/s. Klecnoil Panolin AG Germany."

Further the statement of the counsel for the plaintiff to the following effect is also recorded:-

"Parties have agreed to settle the matter amicably. I have instructions to make the statement for settlement on behalf of plaintiff, the plaintiff agrees with the statement for settlement made by Mr. Prasad G. Thomas which has been recorded by

this court today. Plaintiff accepts the undertaking of the defendant. The Plaintiff has no objection to the Defendant only using the mark "ECOTECH MICROFILTRATION" as a composite mark. Plaintiff is not pressing for the relief of damages as claimed in the suit. The suit may be disposed of in terms of settlement."

With the consent of the counsels and in view of the statements, the suit stands disposed of in terms of above. The parties shall be bound by the statements given and shall not violate the same.

YOGESH KHANNA, J

OCTOBER 30, 2017

VLD