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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 2611/2015 & I.A. 18158/2015

SAMSUNG ELECTRONICS
COMPANY LIMITED & ANR

..... Plaintiffs

Through: Mr. Sudeep Chatterjee, Advocate with
Ms. Nupur Lamba, Advocate.

versus

M/S AHLUWALIA ENTERPRISES & ORS Defendants

Through: Mr. Manjit Singh Ahluwalia, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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30.10.2017

Present suit has been filed for permanent injunction restraining use of the trade mark 'SAMSUNG' for counterfeit white goods, resulting in violation and infringement of rights in the trade mark 'SAMSUNG' copyright, passing off, unfair competition, dilution, rendition of accounts, delivery up and recovery of damages etc.

On 11th April, 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 Ms. Deepali Gupta, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 15th July, 2017.

Today, in pursuance to the aforesaid Settlement Agreement, learned counsel for defendants has paid Rs.1 lac in cash as compensation amount to learned counsel for plaintiffs.

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 15th July, 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 application stand disposed of.

MANMOHAN, J

OCTOBER 30, 2017

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