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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 72/2015

KARAN HEALTHCARE PRIVATE LIMITED Plaintiff

Through: Mr. Shailen Bhatia, Advocate with

Mr. Amit Jain, Advocate.

versus

AFIRST LIFESCIENCE PRIVATE LIMITED Defendant

Through: Mr. Jaspreet Singh Kapur, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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18.07.2017

Present suit has been filed for permanent injunction restraining infringement of trade mark “KARAN with the logo K” passing off of trade mark, infringement of copyright, damages and delivery up etc.

On 16th November, 2016, 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. Sushma Tyagi, Advocate-Mediator.

A Settlement Agreement dated 05th May, 2017 has been executed between the parties.

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 disposing of the suit in its terms and 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 Settlement Agreement dated 05th May, 2017 executed between the parties 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 suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 05th May, 2017 which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Since the present case has been settled before the Delhi High Court and Mediation Centre after the issues have been framed, Registry is directed to issue a certificate authorising the representative of the plaintiff to receive back from the Collector half the amount of the Court-fee paid by it in respect of the present suit.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

JULY 18, 2017

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