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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 162/2018**
THE SINGER COMPANY LIMITED & ANR. Plaintiffs
Through: Mr. Zeeshan Khan and Mr. Achal,
Advs.

versus

BABUJI MATHEW Defendant
Through: Mr. Rahat Bansal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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26.11.2018

1. The parties in this suit for permanent injunction restraining infringement of trade mark and copyright and passing off and for ancillary reliefs, were vide order dated 10th October, 2018 referred to the Mediation Cell of this Court.
2. Mediation has been successful with the efforts of Mr. Arun Rathi, Advocate/Mediator and a Settlement Agreement dated 26th October, 2018 purporting to bear the signatures of the two plaintiffs as well as of the defendant and their counsels and the mediator has been received.
3. The counsel for the two plaintiffs and the counsel for the defendant support the settlement. The counsels state that all the amounts recorded in the Settlement Agreement to be paid by the plaintiffs to the defendant have also been paid.
4. I have perused the settlement arrived at and find the same to be lawful.

5. The counsel for the plaintiffs states that the defendant has also filed an application for registration of the mark 'SIMANCO' and though it was agreed that the defendant will withdraw the said application but remained to be recorded in the Settlement Agreement.
6. The counsel for the defendant confirms but states that since the defendant is leaving for America and is likely to be away for long, it may not be possible for him to withdraw the application; he suggests that the plaintiffs, on the basis of this order, apply to the Registrar of Trade Marks for dismissal of the said application.
7. The settlement is allowed.
8. A decree is passed in favour of the plaintiffs and against the defendant in terms of the Settlement Agreement dated 26th October, 2018 which shall form part of the decree sheet.
9. It is further ordered that on the plaintiffs presenting this order along with requisite application, if any, the Registrar of Trade Marks to dispose of the Trade Mark application No.1360148 filed by the defendant for registration of the mark 'SIMANCO'.
10. The parties to bear their own costs.
Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

NOVEMBER 26, 2018
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