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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 497/2018**
HEETICH MARKETING-UND VERTRIEBS GMBH
& CO. KG., & ANR

..... Plaintiffs

Through : Mr.Siddhant Chamola, Advocate.

versus

KAPOOR HARDWARE

..... Defendant

Through : Mr.Mohan Vidhani, Mr.Rahul
Vidhani and Mr.Saurabh Kumar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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01.03.2018

IA No.3027/2018 & CS(COMM) 497/2018

Both the parties moved IA No.3027/2018 under Order 23 Rule 3 of the Code of Civil Procedure upon settlement of the disputes between them.

The plaintiffs have filed this suit for permanent injunction, infringement, passing off and dilution of the trademark against the defendant. During the pendency of the proceedings, the plaintiff and defendants have entered into the compromise as per the terms enumerated in para No.2 of this application.

It is stated by both the parties that this settlement has been arrived at between them without any undue influence exercised upon and they shall abide by the said terms of settlement it and shall be binding upon the parties, their principal officers, successors, agents,

assignees etc in business.

In view of above settlement, the plaintiff has give up its claim for damages, delivery up etc as prayed for in para No.32 of the plaint.

In the circumstances, the application is allowed and suit of the plaintiff is decreed in terms of para 32(i) of the plaint⁶ more specifically in terms of settlement as contained in para No.2 of the compromise application which is marked as Ex.C1. The terms of settlement as embodied therein shall form part of the decree. Decree Sheet be drawn accordingly. Parties to bear their own costs.

In view of above, the date already fixed i.e. 06.04.2018 stands cancelled.

YOGESH KHANNA, J

MARCH 01, 2018

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