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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 98/2017 & I.A.Nos.15212/2015, 341/2018**

FLAMAGAS, S A & ANR Plaintiffs

Through Ms.Herinder Kaur Brar with
Mr.Sarvesh Singh, Advocates.

versus

MR SHALABH JALAN Defendant

Through Mr.Mohit Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **12.07.2018**

Present suit has been filed for permanent injunction restraining infringement of trademark, copyright, passing off and rendition of accounts.

On 07th September, 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 Mr.Manu Nayar and Mr.S.S.Ahluwalia, Advocates-Mediators.

A Settlement Agreement has been executed between the parties on 04th April, 2018.

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 XXIII 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 XXIII 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.

Learned counsel for the parties jointly pray that they be permitted to de-seal the goods that had been seized by the Local Commissioner. Keeping in view the fact that the matter has been settled before the Mediation Centre, the parties are given liberty to jointly de-seal the goods seized by the Local Commissioner.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 04th April, 2018 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 all pending applications stand disposed of.

MANMOHAN, J

JULY 12, 2018

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