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

+ CS(COMM) 686/2018 & I.A.Nos.3195/2018, 4721/2018

KOCHAR SUNG UP ACRYLIC LTD. Plaintiff

Through Mr.Aditya Singh with Ms.Mehak
Nakra, Advocates.

versus

M/S S.G. IMPEX & ANR Defendants

Through Mr.Daljeet Dabas, Advocate for D-1.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **31.05.2018**

The present suit has been filed for permanent injunction restraining passing off, unfair competition, delivery up, mandatory injunction and recovery of damages.

On 15th May, 2018, 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.Vandana Khurana, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 23rd May, 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.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 23rd May, 2018 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Registry of this Court is also directed to issue to the plaintiff a certificate authorizing it to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

The goods seized on *superdari* are directed to be returned back by defendant no.1 to the plaintiff.

With the aforesaid observations, present suit and all pending applications stand disposed of. The interim order dated 07th March, 2018 stands modified.

MANMOHAN, J

MAY 31, 2018
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