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

+ CS(COMM) 807/2018 & I.A. 5181/2018, I.A. 5183/2018

SANDISK LLC Plaintiff
 Through Mr. Prithvi Singh, Advocate
 versus

KAPIL BABBAR Defendant
 Through Mr. Satish Kumar, Advocate

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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06.09.2018

The present suit has been filed for permanent injunction restraining infringement of trademark, passing off, rendition of accounts, damages and delivery up etc.

On 1st August, 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 Mr. Atul Batra, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 21st August, 2018.

Today in Court, learned counsel for defendant has handed over to learned counsel for plaintiff a Bankers Cheque bearing no. 113129 dated 3rd September, 2018 drawn upon State Bank of India, C-5/662, Shivpuri for Rs.75,000/-.

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 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 compromise between the parties contained in the aforesaid Settlement Agreement 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 present suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 21st August, 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 an authorised representative of the plaintiffs a certificate authorizing him/her to receive back from the Collector full amount of the Court fee paid by them in the present suit.

With the aforesaid observations, present suit and all pending applications stand disposed of.

MANMOHAN, J

SEPTEMBER 06, 2018

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