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

+ **W.P.(C) 5177/2013 and CM APPL. 47610/2018**

RIKHAB CHAND JAIN

..... Petitioner

Through Ms. Shilpi Jain Sharma and Mr.
Mukul Sharma, Advs.

versus

INTELLECTUAL PROPERTY APPELLATE BOARD & ORS

..... Respondents

Through Mr. Ankur Sangal and Ms. Sucheta
Roy, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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16.11.2018

Vide the present petition the petitioner seeks direction thereby to quash part of order No. 38/2013 dated 07.03.2013 whereby the respondent no.1 was pleased to allow the Trade Mark Application No. 832338 under Class-01 in the name of the respondent no.2 to proceed to registration allowing the appeal preferred by the respondent no.2 before the respondent no.1, while in the same order the respondent no.1 was pleased to refuse the Application No.832339 in Class-07 in the name of respondent no.2, disallowing the appeal. Thus being aggrieved by part of order dated 07.03.2013 thereby Application No.832338 under Class-01 was directed to proceed to registration, petitioner filed the present petition.

During the pendency of the present petition, parties to this petition have filed CM No.47610/2018 praying this Court to dispose of the present petition, in terms of “Irrevocable Co-Existence and Settlement Agreement dated 25.10.2018, which is Annexure-A of the said application.

Since the parties have agreed to settle their inter se disputes vide Annexure-A of the said application, I hereby dispose of the present petition in terms of the Settlement Agreement dated 25.10.2018.

Consequently, the parties are directed to take steps to comply the Settlement Agreement dated 25.10.2018.

Date already fixed i.e. 26.02.2019 stands cancelled.

Petition is disposed of accordingly.

SURESH KUMAR KAIT, J

NOVEMBER 16, 2018

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