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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 869/2018 & I.A. 6664/2018

M/S PELICAN TOBACCO CO. LTD Plaintiff

Through: Mr. R.K. Sanghi, Advocate with
Mr. K. Prasanna, Advocate.

versus

ASD TOBACCO PRIVATE LTD Defendant

Through: Mr. Vishav Bharti Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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24.08.2018

Present suit has been filed for permanent injunction, infringement of trade mark, passing off, accounts of profits under the Trade Marks Act, 1999, infringement of copyright under the Copyright Act, 1957.

On 18th July, 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. Vijaya Singh, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 13th August, 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 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 13th 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 plaintiff a certificate authorizing him/her to receive back from the Collector half the amount of the Court fee paid by it in the present suit.

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

MANMOHAN, J

AUGUST 24, 2018

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