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

+ **CS(COMM) 608/2016 & I.A. 8688/2014 (stay)**

M/S NATURE'S ESSENCE PVT LTD Plaintiff

Through: Mr. Aruni Poddar, Advocate (M-9540555810).

versus

M/S HABIB ENTERPRISES Defendant

Through: Mr. Rajesh Singh, Advocate for D-1 (M-9911519607).

AND

+ **CS(COMM) 161/2017**

M/S NATURES ESSENCE PVT.LTD. Plaintiff

Through: Mr. Aruni Poddar, Advocate (M-9540555810).

versus

M/S SHAGUN ENTERPRISES Defendant

Through: Mr. Rajesh Singh, Advocate for D-4 (M-9911519607).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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17.07.2018

I.A. 9147/2018 in CS(COMM) 608/2016 and I.A. 9199/2018 in CS(COMM) 161/2017

These are applications under Order XXIII Rule 3 CPC filed by the parties on the ground that they have settled their disputes amicably. As per

the settlement, the Defendants have agreed not to infringe the Plaintiff's copyrights and logos. The Defendants have also undertaken not to manufacture, use or sell the infringing products under the trademark "NATURE ESSENCE", LEAF DEVICE. In CS(COMM) 608/2016, the Defendant has also paid to the Plaintiff a sum of ₹ 1,50,000/- as token damages which is acknowledged by the Plaintiff.

The Court has perused the settlement. The same is lawful and there is no impediment in recording the same. Parties shall be bound by the terms of the settlement. The Defendants' counsel submits that they have already written to the Trademark Registry for withdrawing the trade mark applications as per para 2(h) of settlement agreement. In case the withdrawal of applications has not been done, needful shall be done within four weeks. The Plaintiff has given up relief claimed in para 46 (g) to (k). The suit is decreed as per para 46 (a) to (f) of the plaint. Decree sheet be drawn.

Both the suits are disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH, J

JULY 17, 2018

Rahul