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

+ **CS(COMM) 637/2016**

WITTUR HOLDING GMBH & ANR Plaintiffs

Through: Mr. Amit Jain, Advocate with
Mr. Vardaan Anand, Advocate.

versus

WITTUR VERTICAL TECHNOLOGY PVT LTD Defendant

Through: Mr. Ashish K. Kulshreshtha Advocate
with Mr. Jay Hind Maurya, Director of
defendant company.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER
20.03.2018

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Present suit has been filed for infringement of trade mark, passing off, dilution and tarnishment, unfair competition, damages, delivery up etc.

On 20th September, 2017, 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.Girija Krishan Verma, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 19th February, 2018.

Today, learned counsel for defendant has handed over the proof of having booked the publication/advertisement with the magazine "The Elevator World". The same is taken on record.

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 paragraph 31(a) to 31(d) of the plaint as well as the aforesaid Settlement Agreement dated 19th February, 2018 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

MARCH 20, 2018

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