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

+ CS(COMM) 1063/2018 & I.A.Nos.10505/2018, 11273/2018,
15006/2018

SAMSUNG ELECTRONICS COMPANY LIMITES & ANR.

..... Plaintiffs

Through Mr.Zeeshan Khan with Ms.Saugaat
Khurana and Mr.Nishant Joshi,
Advocates.

versus

GAGAN MALHOTRA & ORS.

..... Defendants

Through Mr.Manjit Singh Ahluwalia,
Advocate for D-1.
Mr.Anil Mittal with Ms.Komal
Aggarwal, Advocates for U.P. Police.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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11.12.2018

The present suit has been filed for permanent injunction restraining the infringement of registered trademarks, copyright, passing off, unfair completion, delivery up and recovery of damages etc.

On 31st October, 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.Dalip Mehra, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 03rd December, 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 XXIII 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 XXIII 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 against defendant no.1 in terms of the aforesaid Settlement Agreement dated 03rd December, 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 the half 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.

CCP(O) No.53/2018

In view of the present suit being disposed of in terms of the mediated settlement, learned counsel for the plaintiffs does not wish to press the

present contempt petition.

Learned counsel for the defendants/contemnors clarifies that the contemnors have not made any allegation(s) against the Local Commissioner.

Consequently, the present contempt petition is dismissed as withdrawn.

MANMOHAN, J

DECEMBER 11, 2018
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