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

+ **CS(COMM) 1294/2016**

M/S TOMMY HILFIGER EUROPE B.V. Plaintiff

Through **Mr.Shamim Nooreyezdan, Advocate.**

versus

AMRIK SINGH & ANR Defendants

Through **Mr.Amit Jain, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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10.04.2018

Present suit has been filed for permanent injunction restraining infringement, passing off, delivery up, rendition of accounts etc.

On 22nd December, 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 Maneesh Goyal, Advocate-Mediator. A Settlement Agreement has been executed between the parties on 19th February, 2018.

In pursuance to the aforesaid Settlement Agreement, Rs.70,000/- has been paid by way of cheque by the defendants to the plaintiff. Learned counsel for the parties states that the infringing goods/labels/logos shall be destroyed on 16th April, 2018 at 4.00 P.M.

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 in accordance with paragraphs 35 (a) & (b) of the amended 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.

Learned counsel for the plaintiff is granted liberty to approach the Reserve Bank of India for remittance of the money paid by the defendants to the plaintiff's counsel.

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

MANMOHAN, J

APRIL 10, 2018
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