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

+ **CS(COMM) 1096/2018**

STARBUCKS CORPORATION

..... Plaintiff

Through Ms.Priya Adiakhya & Ms. Ruhee
Passi, Advocates.

versus

GAUTAM BAJAJ & ORS

..... Defendants

Through Mr.Manav Gupta, Ms.Prabhsahay
Kaur, Ms.Esha Dutta and Mr.Sahil
Garg, Advs. for D-1 and 2.

Mr.Harpreet Singh, Sr.Standing
Counsel for D-3.

Mr.Neeraj Grover and Ms.Anushka
Arora, Advs. for D-4 and 5.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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30.11.2018

IA No.13379/2018

After some arguments, the learned counsel for the proposed defendant Nos.4 and 5 submits that without prejudice to their rights and contentions, they have no objection in case they are impleaded as party. He has however stressed that Ms.Munjali has nothing to do with the products of the plaintiff or with defendant No.4. The application stands disposed of.

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1. Defendant Nos.1 and 2 have also agreed to enter into a compromise with the plaintiff. As per the terms and conditions which have been agreed upon, the said defendants are ready to suffer a decree in terms of prayer para 41(a)(b) and (c) of the plaint. They have agreed to pay damages of Rs.5 lacs

to the plaintiff. They have also agreed to hand over the goods seized by the local commissioner and by the Customs Department to the plaintiff. They have also agreed to bear the demurrage charges and other expenses for getting the goods released by the customs department, if any.

2. In view of the above, a decree is passed in favour of the plaintiff and against defendant Nos.1 and 2 in terms of prayer para 41(a)(b) and (c) of the plaint. A decree is also passed in favour of the plaintiff and against defendant Nos.1 and 2 for a sum of Rs.5 lacs. A decree of mandatory injunction is passed directing defendant Nos.1 and 2 to handover the goods in case the same are released on superdari by the customs department. They are also liable to pay demurrage charges and other expenses that were charged by the customs department.

3. As far as the newly impleaded defendant Nos.4 and 5 are concerned, they have also agreed to suffer a decree as prayed in the suit. A decree is passed in favour of the plaintiff and against defendant Nos.4 and 5 in terms of prayer para 41(a), (b) and (c) of the plaint. Defendant No.4 will also pay a cost of Rs.20,000/- to the plaintiff. He will also hand over the goods that were released on superdari to him by the Local Commissioner.

4. In view of the fact that as the matter has been settled at the initial stage, the plaintiff shall also be entitled to refund of the court fees.

5. The learned counsel for the plaintiff submits that on account of certain regulations, they have instructions on behalf of the plaintiff to receive the decretal/directed amount and the refund of the court fees in the name of S.S.Rana & Co. It is ordered accordingly.

6. In view of this decree, defendant No.3 may expedite the disposal of the pending adjudication proceedings preferably within a period of four

weeks from today.

7. Suit is disposed off as above. All pending applications, if any, also stand disposed of.

JAYANT NATH, J.

NOVEMBER 30, 2018/v