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

\+ CS(COMM) 1390/2016 & I.A. 12505/2016

DART INDUSTRIES INC. & ANR. ..... Plaintiffs
Through Mr. Pranav Narain with
Ms. Shruttima Ehersa, Advocatres

versus

NAYASA SALES PVT. LTD. & ORS. ..... Defendants
Through Mr. Surinder Singh, Advocate.
Mr. Neeraj Malhotra, Power of Attorney holder of D-1.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

O R D E R

% 01.03.2018

Today, Mr. Surinder Singh, learned counsel for defendants on instruction of Mr. Neeraj Malhotra, Power of Attorney Holder of defendant no. 1 who is personally present in Court states that the defendants are willing to settle the matter with the plaintiffs on the following conditions:-

(a) Defendants shall not use the subject design of bottle and cap;

(b) Defendants shall surrender design registration of subject bottle and cap;

(c) Defendants are ready to destroy the moulds and send photographs to the plaintiffs;

(d) Defendants are ready to destroy the goods seized by the Local Commissioner; and

(e) Defendants are ready to suffer a decree of permanent injunction in terms of the above said conditions.

Learned counsel for the plaintiffs states that he has no objection if the present suit is decreed in terms of the aforesaid statement, provided the defendants are also agreeable to decree of the suit in terms of Paragraph 33 (a) of the plaint.

Learned counsel for the defendants on instructions of Mr. Neeraj Malhotra, states that defendants have no objection to the same also.

The statements made by both the counsel are accepted by this Court and parties are held bound by the same.

Consequently, present suit is decreed in the aforesaid terms, in particular Paragarph 33(a) of the plaint. Registry is directed to prepare a decree sheet.

With the aforesaid directions, present suit and pending application stand disposed of.

MANMOHAN, J

MARCH 01, 2018
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