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

+ CS(COMM) 1440/2016 & I.A.No.13174/2016

MR PUNEET SACHDEVA & ANR Plaintiffs

Through Mr.Vaibhav Arora, Advocate.

versus

RAJESH COSMETICS & ANR Defendants

Through Mr.Navroop Singh with
Mr.H.P.Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **19.03.2018**

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

On 30th August, 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 Rajiv Aneja, Advocate-Mediator. A Settlement Agreement has been executed between the parties on 01st March, 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 in terms of the aforesaid Settlement Agreement dated 01st March, 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 the plaintiffs a certificate authorizing them to receive back from the Collector the full amount of the Court fee paid by them in the present suit.

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

MANMOHAN, J

MARCH 19, 2018

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