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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1654/2016, IAs No.15911/2016 (u/O XXXIX R-1&2
CPC) & 15912/2016 (u/O XI R-1(4) CPC)
BURGER KING CORPORATION Plaintiff

Through: Mr. Pravin Anand & Ms. Prakriti
Sharma, Advs.

Versus

ALI AKBAR & ORS Defendants
Through: Mr. S.M. Bafaki, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **12.03.2018**

1. The counsel for the plaintiff and the counsel for three defendants viz.
i) Ali Akbar; ii) Siddiqi; and, iii) Burger King state that the parties in this
suit for permanent injunction restraining infringement of trade mark, passing
off and for ancillary reliefs and in which an *ex parte* order was granted in
favour of the plaintiff, were vide order dated 12th September, 2017 referred
to Mediation Cell of this Court.
2. Mediation has been successful with the efforts of Mr. Iqbal Ashraf
Rehmani, Advocate / Mediator and a Settlement Agreement dated 27th
November, 2017 purporting to be signed by and/or on behalf of the plaintiff
and the three defendants and their advocates and the Mediator has been
received in this Court.
3. The counsels state that Settlement Agreement is signed by the parties
/ their authorized representatives and by themselves and support the same
and seek a decree in terms of the Settlement Agreement.

4. I have perused the Settlement Agreement and find the compromise arrived at between the parties to be lawful and allow the same.
5. A decree is passed in favour of the plaintiff and jointly and severally against the three defendants in terms of Settlement Agreement dated 27th November, 2017 which shall form part of the decree sheet.
6. The counsel for the plaintiff states that the amount of Rs.35,000/- towards costs mentioned in para no.6(h) of the Settlement Agreement has been received.
7. On request of the counsel for the plaintiff, a Certificate entitling the plaintiff to refund of 75% of the court fees paid on the plaint be issued and handed over to the counsel for the plaintiff.
8. The plaintiff's counsel shall be entitled to remit the sum of Rs.35,000/- and costs in accordance with law, to the plaintiff.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

MARCH 12, 2018

‘gsr’..