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

+ CS(COMM) 664/2017

SM MOTORENTEILE GMBH Plaintiff

Through Mr. Manish Biala, Advocate

versus

NIRVAN AGENCIES & ORS Defendants

Through Mr. Ajay Bahl, Advocate for D-2.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**% **06.04.2018****I.A. 4491/2018**

Present joint application has been filed by plaintiff and defendant no. 2 under Order 23 Rule 3 read with Section 151 CPC. The same is duly signed by learned counsel for the plaintiff and defendant no. 2 as well as by the said parties.

Present application is also supported by affidavits of authorized representative of the plaintiff and the Director of the defendant no. 2.

Both the learned counsel state that the matter has been compromised in accordance with the terms mentioned in the settlement application being I.A. 4491/2018.

Learned counsel for the defendant no. 2 states that the alleged counterfeit product shall be returned to learned counsel for plaintiff.

Both the learned counsel further assure and undertake to this Court that the parties shall comply with the settlement terms mentioned in the aforesaid settlement application.

The aforesaid statements, assurances and undertakings as well as undertakings given by learned counsel for the plaintiff and defendant no. 2 are accepted by this Court and the said parties are held bound by the same.

This Court has also perused the compromise application and is of the opinion that the same is lawful.

Consequently, the suit is decreed qua defendant no. 2 in accordance with the settlement application being I.A. 4491/2018, which is marked as Ex. C-2. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector half amount of the Court fee paid by the plaintiff in the present suit.

With the aforesaid observations, present application is allowed and the suit and all pending applications stand disposed of. The interim order dated 27th September, 2018 stands vacated. The next date of hearing i.e. 10th April, 2018 stands cancelled.

MANMOHAN, J

APRIL 06, 2018

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