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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 738/2017 & I.A. 12439/2017

DHARAMPAL SATYAPAL SONS PVT LTD. Plaintiff

Through Mr. Pravin Anand with Ms. Vaishali
Mittal and Ms. Vrinda Gambhir,
Advocates

versus

MR. TARACHAND MEHTANI & ORS Defendants

Through Mr. Rajesh Gupta with Mr Harpreet
Singh and Mr. Pranjal Saran,
Advocates

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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12.03.2018

The present suit has been filed for infringement of trademark, copyright, passing off, trade dress, unfair trade practice, rendition of accounts, delivery up, damages etc.

On 2nd January, 2018 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 Mr. Amit Saxena, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 8th March, 2018.

Today in Court, learned counsel for the defendants has handed over to learned counsel for the plaintiff a Demand Draft no. 969231 dated 7th

March, 2018 for Rs. 2,00,000/- drawn upon HDFC Bank, Noida, U.P.

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 23 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 23 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 8th March, 2018 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

With the aforesaid observations, present application is allowed and the suit and all pending applications stand disposed of.

MANMOHAN, J

MARCH 12, 2018

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