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

+ **CS(COMM) 814/2017 & I.A.No.14931/2017**

M/S. PARAS RICE PRODUCTS PVT. LTD. Plaintiff

Through Mr.Satish Kumar with Mr.Umesh
Mishra and Mr.Vishal Patel,
Advocates with Mr.Anuj Jain,
Director of the plaintiff company.

versus

M/S. PANSARI INDUSTRIES Defendant

Through Mr.Neeraj Grover with Mr.Aditya
Singh, Ms.Mehak and Ms.Ragini
Anand, Advocates with Mr.Shammi
Agrawal, MD of Defendant.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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02.01.2018

On 14th December, 2017, this Court had passed the following
order:-

"I.A. 14931/2017

*Present application has been filed under Order 39 Rule 4
CPC by the defendant.*

*Learned counsel for defendant-applicant states that
defendant, without prejudice to its rights and contentions, is
willing to give up the mark KHANA KHAZANA provided it is
allowed to dispose of the stocks in hand.*

*Issue notice to plaintiff through counsel by all modes
including dasti, returnable for 02nd January, 2018."*

Today learned counsel for the defendant states that the defendant would need at least four months time to change its packaging. Learned counsel for the defendant, on instructions of Mr. Shammi Agrawal, Managing Director of defendant-company, states that the defendant shall stop using the mark KHANA KHAZANA on or before 01st May, 2018. He further states that the defendant has no objection if the present suit is decreed in accordance with paragraph 28 (b) of the plaint. He also states that the defendant shall pay the costs of Rs.30,000/- to the plaintiff within a period of one week. He lastly submits that the defendant shall use the mark PANSARI KHANA thereafter.

In view of the aforesaid statements, learned counsel for the plaintiff, on instructions of Mr. Anuj Jain, Director of the plaintiff-company, does not wish to press the present suit any further.

The statements made by both the counsel are accepted by this Court and the parties are held bound by the same. Accordingly, the present suit is decreed in terms of the aforesaid statements as well as paragraph 28 (b) of the plaint. The defendant shall be entitled to de-seal the goods lying with it on *superdari* basis and dispose of the same in accordance with the settlement. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to the plaintiff a certificate authorizing it to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

MANMOHAN, J

JANUARY 02, 2018/KA