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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 879/2017

AKTIEBOLAGET VOLVO & ORS

..... Plaintiffs

Through: Mr. Pravin Anand, Advocate with
Mr. Raunaq Kamath and Ms. Prakriti
Sharma, Advocates.

versus

M/S AGGARWAL LUBRICANTS & ANR

..... Defendants

Through: Ms. Vagisha Kochar, Advocate for
defendants No.1 and 2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

17.05.2018

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

On 16th February, 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 Ms. Shalini Kapoor, Advocate-Mediator and Mr. Jeetender Gupta, Advocate-Co-Mediator.

A Settlement Agreement has been executed between the parties on 15th May, 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 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 paragraph 29 (a) and (b) of the plaint as well as in terms of the aforesaid Settlement Agreement dated 15th May, 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 an authorised representative of the plaintiffs a certificate authorizing it to receive back from the Collector full amount of the Court fee paid by them in the present suit.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

MAY 17, 2018

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