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

+ CS(COMM) 68/2015

M/S DEEPCHAND ARYA INDUSTRIES Plaintiff
Through Mr. Ashok Mittal, Advocate
versus

M/S RAJ SOAP INDUSTRIES Defendant
Through None

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER% **09.04.2018****I.A. 4532/2018**

The present suit has been filed for permanent injunction restraining infringement of trade mark, passing off, delivery up, rendition of accounts, damages etc.

On 6th February, 2017, 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 5th May, 2017.

Learned counsel for plaintiff states that even the payments under the said settlement agreement have been received by the plaintiff.

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 5th May, 2017 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 plaintiff a certificate authorizing him/her to receive back from the Collector half amount of the Court fee paid by it in the present suit. Plaintiff is entitled for returning of original documents in accordance with law.

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

MANMOHAN, J

APRIL 09, 2018

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