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

+ CS(COMM) 6/2019 & I.A.No.196/2019

M/S INTER IKEA SYSTEMS BV Plaintiff

Through Ms.Pritika Kohli, Advocate.

versus

HARPREET KAUR Defendant

Through Mr.Ankit Agarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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14.03.2019

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

On 11th February, 2019, 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.Kshitij Mittal, Advocate-Mediator. A Settlement Agreement has been executed between the parties on 13th February, 2019.

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 XXIII 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 XXIII 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 13th February, 2019 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 Mr.Vishal Vig, constituted attorney of the plaintiff, a certificate authorizing him to receive back from the Collector the full amount of the Court fee paid by the plaintiff in the present suit.

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

MANMOHAN, J

MARCH 14, 2019

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