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

+ **CS(COMM) 260/2018**

MOHAN BREWERIES & DISTILLERIES LTD Plaintiff

Through: Ms. Sanyogita Jain, Advocate.

versus

M/S SUPERIOR INDUSTRIES LTD & ORS Defendants

Through: Ms. Vernika Tomar, Advocate for
Defendant Nos. 1,3,4 & 5.

Mr. Bhuvneshwari Tyagi, Advocate
for Defendant No. 2.

Mr. Pramod Kumar Aggarwal,
Director of Defendant No. 1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **05.07.2019**

I.A. 8882/2019 (under Order 23 Rule 3)

1. The present joint application has been filed by the parties under Order 23 Rule 3, seeking a decree in terms of the out of court settlement reached between the parties, in the suit for permanent injunction and damages for imitation/infringement of the registered design of the Plaintiff.

2. The terms of settlement have been recorded in paras 3,4,5 and 6 of the application, purportedly signed by the Plaintiff, Defendants and respective counsels, which read as under:

“3. That the Defendants have no stock of the bottles whose Design is an imitation of the Design of the Plaintiffs bottle.

4. The Defendants have no objection if the Suit of the Plaintiff is decreed in terms of the Prayer made in Paragraph (a) of the Prayer Clause. The Defendants undertake to this Hon’ble Court that they shall abide by the said Decree.

5. That, in view of the above the Plaintiff is agreeable to forego its other claims made in the Plaint including the claims for Accounts for profits and Damages.

6. That, both the parties hereby expressly declare and confirm that they do not have any other claim pending against each other in relation to the transactions which are subject matter of the aforesaid suit.”

3. The counsels support the Settlement and seek decree in terms of the settlement terms as reproduced above. The application is duly supported with the affidavits of the parties. The application has been exhibited as Exhibit-C1.

4. I have perused the compromise/settlement arrived at between the parties and find the same to be lawful.

5. Accordingly, a decree is passed in terms of prayer (a) of the suit and in terms of the settlement recorded in the present application at paras 3,4,5 and 6 as reproduced hereinabove. The present application under Order 23 Rule 3 shall form part of the decree sheet, leaving the parties to bear their own costs.

6. Decree sheet be prepared.

SANJEEV NARULA, J

JULY 05, 2019

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