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

+ CS(COMM) 605/2018, I.As. 13056/2011, 25153-25154/2015,
25207/2015 & 25365/2015

M/S SUPERTECH LTD.

..... Plaintiff

Through: Ms. Sweta, Advocate.
versus

M/S SUPER REALTECH PVT. LTD.

..... Defendant

Through: Mr. Umesh Mishra and Mr. Vishal
Patel, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **02.05.2019**

**I.A. 5813/2019 (this is a joint application on behalf of the parties under
Order 23 Rule 23 read with Section 151 CPC)**

1. This is a joint application on behalf of the parties under Order 23 Rule 3 of the Code of Civil Procedure, 1908 praying for a compromise decree. The application contains the settlement terms, which reads as follows:

“i. That the defendant have agreed to change its corporate name/trade name from "Super Realtech Pvt. Ltd." To "Super Reality Private Limited" and shall get the said name changed in the records of the ROC. The defendant shall complete the change of name in the records of ROC and shall cause intimation to all the concerned authorities within Five months from the date of recording of the compromise and passing the order by the Hon'ble Court in the present application.

ii. That the defendant has agreed that the defendant or any of its sister concern, affiliate, subsidiary or any business associate shall not use the trade name/corporate name/trademark of the plaintiff i.e. "Supertech Ltd." And as detailed in the plaint or any other

similar trade name/mark as that of the plaintiff more particularly detailed in the plaint.

iii. That on the defendant agreeing to change its trade name/trade mark and complying with the other terms and conditions, the plaintiff will withdraw the present suit and will not press for other prayers made in the suit including damages.

iv. That the plaintiff shall be entitled to get the court fee refunded by the order of the Hon'ble Court in accordance with law.

v. That the terms of the settlement recorded herein above shall be binding on both the parties, their respective Directors, Agents, Servants, Affiliates, legal heirs, successors, assignors in rights, interests and titles and all others acting for and on their behalf or otherwise for all time to come.”

2. The application is duly supported by affidavits of the authorized representatives of the Plaintiff and the Defendant. Mr. Mohammed Tariq and Mr. Yatinder Gupta are present in Court and they confirm having arrived at a compromise/settlement in terms noted above. The application is also signed by the respective counsels. The Court has perused the terms of the settlement and the same are lawful.

3. In view of the above, the suit is decreed in terms of the settlement contained in the application which shall also form part of the decree. The decree sheet be drawn up. Parties shall remain bound by the terms of the settlement. The application is disposed of.

4. The pending applications if any are also disposed of.

SANJEEV NARULA, J

MAY 02, 2019

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