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

+ **FAO 470/2018 & CM APPL. 41313/2018, 41316/2018, 48220/2018,
10448/2019, 10451/2019 & CM APPL. 41741/2019**

BRITANNIA INDUSTRIES LTD Appellant

Through **Ms. Ishani Chandra and Ms. Shubhie
Wahi, Advocates**

versus

MARINO FOOD PRODUCTS PVT LTD Respondent

Through **Mr. Ashish Singh, Advocate**

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **19.12.2019**

1. Appellant impugns order dated 13.07.2018 whereby application of the appellant under Order 39 Rules 1 and 2 CPC was dismissed.
2. Appellant further seeks an injunction against the respondents from using the impugned trade dress and packaging which as per the appellant was deceptively similar to the appellant's trade dress and packaging.
3. Parties have settled their disputes and entered into a settlement. The terms of the settlement are incorporated in CM APPL. 41741/2019 in paragraphs 2 (A) to (Q).
4. Statements of authorized representative of the appellant as well as respondent company were recorded before the Joint Registrar on 25.11.2019 confirming the settlement. The application is also

supported by an affidavit of the authorized representative. Based on the statement of the parties, application has been exhibited and marked as Ex. 'PX'.

5. Learned counsel for the parties confirm that the settlement has been entered into. The settlement is taken on record.

6. Learned counsels for the parties on behalf of the parties undertake that parties shall duly comply with the terms of the settlement and perform their respective obligations as contained in the settlement agreement.

7. I have perused the terms of the settlement and find the same to be lawful.

8. In view of the above, the impugned order dated 13.07.2018 is set aside. The appeal is accordingly disposed of in terms of the settlement. The settlement Ex. 'PX' shall form part of this order.

9. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 19, 2019

'rs'