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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1202/2018 & I.A. 14839-14842/2018

SALVATORE FERRAGAMO S.P.A. Plaintiff

Through Mr. Prithvi Singh, Advocate

versus

SHRUTI MANGLA & ORS. Defendants

Through Mr. Kapil Kumar Giri, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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10.01.2019

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

On 1st November, 2018, 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 Ms. Kajal Chandra, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 14th December, 2018.

With consent of both the counsel, it is clarified that the expression 'advertised' in Clause 4(g) of the aforesaid Settlement Agreement means publication either in press or in the social media.

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 14th December, 2018 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 learned counsel for the plaintiff a certificate authorizing him/her to receive back from the Collector full amount of the Court fee paid by them in the present suit.

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

MANMOHAN, J

JANUARY 10, 2019

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