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

+ **CS(COMM) 249/2021 & I.A.6899/2021, I.A.10389/2021,
I.A.10390/2021**

RADICO KHAITAN LTD.

..... Plaintiff

Through: Mr.Anirudh Bakhru, Ms.Ishani
Chandra, Mr.Surya Rajappan and Mr.Raghu
Vinayak Sinha, Advs.

versus

SUPERIOR INDUSTRIES LTD.

..... Defendant

Through: Mr.Raj Latha Kotni,
Ms.Ashima Puri Chhibbar, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)

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18.08.2021

(Video-Conferencing)

I.A.10390/2021 (under Order XXIII Rule 3 of the CPC)

1. This is an application seeking decreeing of CS(Comm) 249/2021 in terms of the settlement which has been arrived at, between the parties. The terms of settlement, as contained in sub-paras (a) to (e) of para 5 of the application may be reproduced thus:

“a. The Defendant will henceforth use the words ‘ROYAL MOMENTS’ only for country liquor and not for any other type of liquor or alcoholic beverage(s) or any other mark/manner of depiction similar to the MAGIC MOMENTS marks of the Plaintiff.

b. It was further agreed that the Defendant will not use the words 'ROYAL MOMENTS'/MOMENT(S) or any other mark/manner of depiction similar to the mark, "MAGIC MOMENTS" of the Plaintiff for any other product whatsoever including but not limited to products such as water, soda, juice, non-alcoholic beverage(s) and sanitizer.

c. The Defendant will not adopt any other trademark containing the word 'Moment(s)' in future.

d. The Defendant shall restrict the specification of goods in the Trade Mark application bearing number 2796585 (mentioned in the legal notice dated 14th March, 2020) to country liquor within 3 weeks from the date of execution of the Agreement dated 1st July, 2021.

e. The Plaintiff shall ensure that this Agreement is brought on record before the respective Courts before whom the litigation between the Parties is still pending and ORA/170/2020 and CS (Comm) 249/2021 are disposed/decreed in terms of the Agreement dated 1st July 2021."

2. Learned Counsel for the parties undertake to remain bound by the terms of the aforesaid settlement.

3. In view thereof, nothing survives for adjudication in the present suit.

4. The suit is, therefore, decreed in terms of the aforesaid settlement arrived at between the parties.

5. The Registry is directed to draw up a decree sheet in accordance therewith.

6. The plaintiff shall also be entitled to refund of the entire court fee deposited by it in the light of the law laid down by this Court in *Munish Kalra v. Kiran Madan*¹ read with Order XXXIII Rule 3 of the CPC.

7. All the pending applications are also disposed of.

AUGUST 18, 2021/kr

C. HARI SHANKAR, J

