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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 578/2021 & I.A. 567/2023**
GLOBAL CAR GROUP PTE LTD & ANR. Plaintiffs

Through: Mr. Abhishek Kotnala, Adv.

versus

**OLA FLEET TECHNOLOGIES
PRIVATE LIMITED & ANR. Defendants**

Through: Ms. Shubhie Wahi and Ms. Sanya Kapoor, Advs.

**CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR**

J U D G M E N T (O R A L)
12.01.2023

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CS(COMM) 578/2021 & I.A. 567/2023

1. The dispute between the parties stands settled. The parties have jointly filed an application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC), placing the settlement agreement on record and seeking decreeing of the suit in terms of said settlement agreement. The terms of settlement read thus:

“a) The Defendants acknowledge the Plaintiffs' to be the prior adopters, users, exclusive owners and proprietors of their respective trade marks i.e. - Cars24, Bikes24, CARS24 UNNATI, CAR BECHNI HO TOH CARS24 (hereinafter referred to as the Plaintiffs' trade marks).

b) The Defendants undertake that they will not in any manner, adopt, use, bid and/or advertise the Plaintiffs' trade marks or any other marks deceptively similar thereto, whether with the inclusion of spaces, misspellings or other special characters, including as a keyword through the Google Ads Program or any other advertising

program similar to the Google Ads Program.

- c) The Defendants undertake to put the Plaintiffs' trade marks in the negative keyword list on the Google Ads Program with 'Phrase Match' Type.
- d) The Plaintiffs agree to waive off their right to monetary claims as sought in the Commercial Suit upon execution of this Settlement Agreement.
- e) The Parties herein undertake to have this Commercial Suit disposed off in terms of the terms and conditions as agreed between the Parties by way of present Settlement Agreement.
- f) The Parties hereto state that the disputes and differences arising out of the Commercial Suit between the Parties have been amicably settled.
- g) The Parties undertake to abide by the terms and conditions set out in the present Settlement Application and not to dispute the same hereinafter in future.
- h) The Parties undertake that all the disputes and matters whatsoever arising under, in connection with or incident to this Settlement Application shall be litigated before the Hon'ble High Court of Delhi, to the exclusion of the Courts of any other states in the country.
- i) The Parties agree that all the terms and conditions laid out in the present Settlement Agreement are fair and reasonable and have been entered into with full appreciation of its various clauses and implications.
- j) The terms and conditions as agreed between the Parties in the present Settlement Agreement shall be binding on the Plaintiffs and the Defendants, including their affiliate companies, subsidiary and holding companies and group companies or anyone acting for and on their behalf.”

2. Learned Counsel for the parties are present. They undertake on behalf of their respective clients to remain bound by the terms of the aforesaid settlement.

3. In that view of the matter, nothing survives for adjudication in the suit.
4. The suit accordingly stands decreed in terms of the aforesaid settlement agreement dated 6th January 2023, which shall bind both parties.
5. The Registry is directed to draw up a decree sheet accordingly.
6. The plaintiffs shall be entitled to be refunded the Court fees, if any, deposited by them in this case.

JANUARY 12, 2023
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C.HARI SHANKAR, J

