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

+ **CS(COMM) 300/2021 & I.A. 43730/2024**

BEIERSDORF AG

.....Plaintiff

Through: Mr. Ayush Sharma, Advocate
(M:9899096069)

versus

HINDUSTAN UNILEVER LIMITED

.....Defendant

Through: Mr. Ankur Sangal, Ms. Pragya
Mishra, Ms. Amrit Sharma,
Advocates (M:9971432165)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.10.2024

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I.A. 43730/2024

1. The present application has been filed under Section 151 of Code of Civil Procedure, 1908 ("CPC"), for withdrawal of the suit on behalf of the plaintiff. It is submitted that vide order dated 09th May, 2024, the defendant was restrained from conducting the impugned activity or any similar marketing/advertising activity, comparing plaintiff's NIVEA products and defendant's products.
2. It is submitted that during the pendency of the present suit, parties have arrived at an amicable settlement and therefore, the plaintiff is desirous of withdrawing the present suit.
3. Issue notice. Notice is accepted by learned counsel for the defendant, who submits, that she has no objection to the withdrawal of the present suit.
4. Accordingly, the present suit is dismissed as withdrawn, with liberty



to the plaintiff to initiate fresh legal proceedings, if defendant recommences the disparaging activity.

5. Learned counsel for the plaintiff submits that since parties have arrived at a settlement and the present suit is being withdrawn, Court Fees be refunded.

6. Considering the facts and circumstances of the case, the Registry is directed to issue a certificate for refund of 50% of the Court fees, in favour of the plaintiff.

7. Learned counsel for the plaintiff, at this stage, submits that the refund of the Court Fees be made through the counsel for the plaintiff, in the name of plaintiff's counsel, i.e., Mr. Ayush Sharma, which amount shall be remitted by the said counsel to the plaintiff, in accordance with law. It is accordingly, directed, that the certificate for refund of 50% of the court fees, be issued in the name of counsel for the plaintiff, namely, Mr. Ayush Sharma.

8. With the aforesaid directions, the present application is allowed, and the suit is accordingly, dismissed as withdrawn.

9. The next date of hearing stands cancelled.

MINI PUSHKARNA, J

OCTOBER 28, 2024

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