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

+ **CS(COMM) 359/2023 & I.A. 10520/2023, I.A. 10522/2023**

M/S HARI CHAND SHRI GOPAL Plaintiff

Through: Ms. Prachi Agarwal and Ms.
Kanupriya Chawla, Advocates.

versus

**MR SAHABUDDIN MONDAL TRADING AS M/S. SALMA
ZARDA WORKS** Defendant

Through: Mr. Sanjay Kumar Shandilya and Mr.
Adit Srivastava, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.05.2024

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1. By way of the present suit, the Plaintiff alleges that the Defendant's use of the impugned mark "GOLAP 64" is deceptively similar to the Plaintiff's registered trademarks/ labels "GOPAL", "GOPAL 60" (label) and other formative marks thereof, thus amounting to infringement and passing off. During the pendency of the suit, parties were referred to mediation¹.

2. Parties have now executed Settlement Agreement dated 29th April, 2024, before the Delhi High Court Mediation and Conciliation Centre. The same has been signed by the Defendant as well as the Authorized Signatory of the Plaintiff². Counsel for the parties mentioned in the appearance above

¹ Vide order dated 4th October, 2023.

² Power of Attorney in favour of Plaintiff's Authorized Representative is annexed to the Settlement Agreement.



confirm the terms of settlement. Further, counsel for Plaintiff states that INR 1,00,000/- in terms of Paragraph No. 9 of the Settlement Agreement stands paid by the Defendant to the Plaintiff. Accordingly, they pray for the suit to be decreed in terms of the Settlement Agreement.

3. The Court has perused the said terms and finds the same to be lawful.

4. Accordingly, the present suit is decreed in favour of the Plaintiff and against the Defendant, in terms of the Settlement Agreement dated 29th April, 2024, which shall form part of the decree. Parties shall remain bound by the terms and conditions of the settlement.

5. In view of the fact that parties have arrived at a compromise, Registry is directed to issue a certificate for refund of full Court fees in favour of the Plaintiff.

6. Decree sheet be drawn up.

7. Suit and pending applications stand disposed of.

SANJEEV NARULA, J

MAY 13, 2024

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