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

+ **CS(COMM) 379/2023 & I.A. 10901/2023**

BANYAN TREE HOLDINGS LIMITED

..... Plaintiff

Through: Ms. Imon Roy, Mr. Roshal Lal Goel
and Ms. Anju Gupta, Advocates.

versus

AKASH VANIJYA PVT LTD & ORS.

..... Defendants

Through: Mr. Vishal Nagpal, Mr. Sharad
Besoya and Mr. Bal Krishan Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.05.2024

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1. The Plaintiff has filed the present suit alleging infringement and passing off of their trademark "BANYAN TREE" and its formative versions by the Defendants, who use the trademarks "BANYAN TREE," "BANYAN TREE GROUP," "LUXURY BANYAN TREE RESORT," "BANYAN TREE AUTOMOBILES" etc.

2. During the course of proceedings, parties were referred to mediation before the Delhi High Court Mediation and Conciliation Centre, where they have successfully resolved their disputes amicably through execution of Settlement Agreement dated 23rd April, 2024. The Agreement is accompanied with a PoA in favour of authorised representative of Plaintiff and Board Resolution in favour of Defendant No. 7, authorizing him to sign on behalf of the remaining Defendants.



3. Counsel for the parties mentioned in the appearance above confirm the terms of settlement and pray for the suit to be decreed in terms thereof.
4. The Court has perused the said terms and finds the same to be lawful. As per the Settlement Agreement, Defendants have agreed to cease use of the impugned marks for their activities in the hospitality and real estate sector and related sectors. The Defendants have also agreed to withdraw their trademark applications enlisted in Annexure-C to the Agreement.
5. Accordingly, the present suit is decreed in favour of the Plaintiff and against the Defendants in terms of the Settlement Agreement dated 23rd April, 2024, which shall form part of the decree. Parties shall remain bound by the terms and conditions of the settlement.
6. Since the suit is being resolved on the basis of a mediated settlement between the parties, Plaintiff is entitled to refund of court fee. Registry is accordingly directed to issue a certificate for refund of full court fee in favour of the Plaintiff.
7. Decree sheet be drawn up.
8. Suit and pending application stand disposed of.

SANJEEV NARULA, J

MAY 24, 2024
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