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

+ **CS(COMM) 404/2023 & I.A. 11154/2023, I.A. 48423/2024**

MOLD-TEK PACKAGING LIMITED

.....Plaintiff

Through: Mr. Ashutosh Kumar, Mr. Vinod
Chauhan, Ms. Radhika, Mr. Vagish
Pandey, Advocates (M:9818375850)

versus

SHREE PLASTICO LIMITED & ANR.

.....Defendants

Through: Mr. Brajesh Singh, Advocate

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

16.12.2024

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I.A. 48423/2024

1. The present is a joint application on behalf of the plaintiff and defendants under Order XXIII Rule 3 read with Section 151 of Code of Civil Procedure, 1908 ("CPC"), seeking recordal of settlement and decree in terms of Settlement Agreement dated 22nd November, 2024.
2. The present suit has been filed seeking to restrain the defendants from infringing the plaintiff's intellectual property rights in its registered Indian Patent No. IN298724 and IN401417; and registered designs bearing numbers 299039 and 299041.
3. Vide order dated 02nd June, 2023, an *ad-interim* injunction order was passed by this Court restraining the defendants from manufacturing, marketing, using, selling or offering for sale, importing in India, distributing, advertising, exporting and in any other manner, directly or indirectly, dealing in any product that infringes Patents IN298724 and IN401417 and



the design bearing nos. 299039 and 299041.

4. Though the matter was referred to the Delhi High Court Mediation and Conciliation Centre, vide order dated 05th April, 2024, the said proceedings remained unsuccessful. However, the parties have negotiated a mutually acceptable settlement outside of Court, resulting in execution of the Settlement Agreement dated 22nd November, 2024.

5. Learned counsels for the parties submit that the parties have jointly agreed to resolve all the disputes between them in accordance with the terms provided in the Settlement Agreement dated 22nd November, 2024. They further request that the suit be decreed in terms of the Settlement Agreement and in terms of prayers 'a', 'b', 'c' and 'd' of the plaint.

6. This Court has perused the terms of the settlement between the parties and finds the same to be lawful.

7. Parties are held bound by the terms of the settlement.

8. In terms of the settlement, the defendants have acknowledged the ownership and validity of the registered/granted Indian Patent No. IN298724 and IN401417 and registered designs bearing numbers 299039 and 299041 of the plaintiff and the rights of the plaintiff in the said patents and designs.

9. Further, the defendants have assured the plaintiff that they have not manufactured any infringing products after 02nd June, 2023, and do not have any stock of the infringing products with them.

10. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendants in terms of the Settlement Agreement dated 22nd November, 2024, which shall form part of the decree and in terms of prayers 'a', 'b', 'c' and 'd' of the plaint.

11. Considering the fact that the parties have settled their disputes, the



Registry of this Court is directed to issue a Certificate for Refund of Full Court Fees in favour of the plaintiff.

12. Decree sheet be drawn up.
13. The present suit, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

DECEMBER 16, 2024
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