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

+ **CS(COMM) 398/2020**

JK LAKSHMI CEMENT LIMITED

..... Plaintiff

Through: Mr. Nishchal Anand, Advocate.

versus

JK SHIAN CEMENT PRIVATE LIMITED THROUGH ITS

PROPRIETOR KANA RAM KALIRANA & ORS. Defendants

Through: Mr. Ashutosh Kumar and Mr. Palash Maheshwari, Advocates for D-2.
Mr. Kapil Midha and Ms. Samiksha Gupta, Advocates for D-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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22.03.2024

I.A. 6871/2024 (under Order XXIII Rule 3 of CPC)

1. In light of the information received by the Plaintiff through Defendant No. 2 that Defendant No. 1 is a non-existent entity, Mr. Nishchal Anand, counsel for Plaintiff states that no relief is being sought against the party arrayed as Defendant No. 1.
2. As far as Defendants No. 2 and 3 are concerned, Defendants have agreed to the suit being decreed as per the terms and conditions of the compromise as enumerated in paragraphs No. 1(a) to (l) of the instant application along with paragraphs No. 75(a) to (c) of the plaint.
3. The application is duly supported by affidavits of the Authorised Representatives of the Plaintiff and Defendants No. 2 and 3. The counsel



confirm the compromise, and pray that the suit be decreed as per aforementioned terms of the instant application and the plaint.

4. The Court has perused the terms of the compromise and finds the same to be lawful.

5. Accordingly, the present suit is decreed in favour of the Plaintiff and against the Defendants, in terms of compromise recorded in paragraphs No. 1(a) to (l) of the application along with paragraphs No. 75(a) to (c) of the plaint, which shall form part of the decree.

6. The parties shall remain bound by the terms and conditions of the compromise as recorded in the application.

7. The suit is decreed in the above terms. Decree sheet be drawn up.

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

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9. The suit is decreed in the above terms.

10. It is further pointed out that as per settlement terms, Defendant No. 2 has applied for withdrawing their opposition bearing No. 1038274 dated 30th March, 2020 against Plaintiff's trademark application No. 4317047. The Trade Mark Registry is directed to deal with such applications expeditiously.

11. The next date of hearing fixed, i.e., 29th April, 2024 stands cancelled.

SANJEEV NARULA, J

MARCH 22, 2024

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