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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.O. (COMM.IPD-TM) 60/2024, I.A. 10526/2024-Stay, I.A.
10527/2024-Summoning of record, I.A. 10528/2024-Exp

M/S RSPL HEALTH PRIVATE LIMITEDPetitioner

Through: Mr. Rishabh Gupta, Advocate

versus

BHAGWATI GRAM UDYOG MANDAL & ANR.Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Akash Mishra and Ms. Rashi Kapoor,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **19.07.2024**

1. Learned counsel appearing for the petitioner submits that the petitioner and the respondent no.1, pursuant to a common order dated 16.05.2024 passed by learned DJ-01, Patiala House Court, New Delhi in TM-83/2021 and TM 84/2021 titled “*RSPL Health Pvt. Ltd. Vs. Bhagwati Gram Udyog*”, the petitioner and the respondent no.1 have already entered into a compromise on the basis of a compromise application under Order XXIII Rule 3 of the CPC filed therein. Para 2(e) of the said application in TM-84/2021 is reproduced as under:-

“2. (e) That the defendants undertake to take all necessary steps to get their registered trademark under no. 2572839 in



class 03 for the mark SAKSHI XPERIA, cancelled and further withdraw any and all trademark applications or copyright applications, which they may have filed for registration of impugned Trade mark/label/trade dress/colour combination XPERIA, or of any other word/mark/label/name containing the word XPERT and/or XPERIA or which may be identical with and/or deceptively similar to the plaintiff's said XPERT trademark trade dress, colour scheme, artistic features, copyrights etc. Defendants agree not to challenge any of the applications/ registrations pertaining to plaintiffs said trademark I label and copyrights before any judicial/quasi-judicial forums/ tribunals including Registrar of Trade Mark, Registrar or Copyright, Intellectual Property Appellate Board, Copyright Board etc. and further undertake to withdraw such proceeding if already filed.”

2. In view thereof, since the respondent no.1 has undertaken to take all necessary steps for getting their registered trademark under no.2572839 in class 03 for the mark ‘SAKSHI XPERIA’ cancelled and further withdraw any other trademarks and copyright applications, the present petition is allowed and all pending applications are disposed of.

SAURABH BANERJEE, J

JULY 19, 2024/akr