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

+ **CS(COMM) 507/2023, I.A. 13843/2023 & I.A. 13844/2023**

DFM FOOD LTD.

.....Plaintiff

Through: **Mr. Dhruv Anand, Ms. Uditia and Ms.
Nimrat Singh, Advocates.**

versus

M/S PATOLA FOODS

.....Defendant

Through: **Ms. Aarti Manchanda, Advocate.
(M): 9654185180**

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

13.08.2024

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1. The present suit has been filed for permanent injunction restraining infringement of trademark, passing off, unfair competition, tarnishment, dilution, damages or rendition of accounts of profits, delivery up, etc.
2. The parties were referred to mediation vide order dated 11th January, 2024, wherein, they have successfully negotiated a settlement and executed a Settlement Agreement dated 26th July, 2024, before the Delhi High Court Mediation and Conciliation Centre.
3. Learned counsels appearing for parties confirm the terms of the settlement and pray that the suit be decreed in terms, thereof.
4. This Court has perused the terms of the settlement and finds the same to be lawful.
5. In terms of the settlement, defendant acknowledges the plaintiff to be the proprietor of the registered trademark 'CURLS' and 'CURLS', logo under trademark no. 3164035 and 'CRAX CURLS' (word) under



trademark no. 3667345.

6. Further, the defendant has undertaken not to manufacture, cause to manufacture, import, offer for sale or supply, advertise, or in any manner deal in goods bearing the 'CURLS' trademarks of the plaintiff in relation to the manufacture, import, offer for sale or supply, sale, advertise, etc., of its corn based snack product also labelled and sold under the mark 'CURLS' or in relation to any product or any other deceptively similar trademark, so as to result in infringement of the registered trademarks of the plaintiff, and passing off.

7. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendant in terms of the Settlement Agreement dated 26th July, 2024, and also in terms of prayer Clause, paragraph 40 (a) to (d) of the plaint, which shall form part of the decree.

8. The parties shall remain bound by the terms and conditions of the Settlement Agreement dated 26th July, 2024.

9. In view of the fact that the 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.

10. Decree sheet be drawn up.

11. Accordingly, the suit, along with the pending applications, stand disposed of.

MINI PUSHKARNA, J

AUGUST 13, 2024/ak