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

+ **CS(COMM) 513/2023 & I.A. 14071/2023**

HERO MOTOCORP LIMITED & ANR.Plaintiffs

Through: Ms. Ekta Sarin, Ms. Vanshika Arora,
Advocates (M:9810605803)

versus

MR. VISHAL CHHATWANI & ANR.Defendants

Through: Mr. P.C. Arya, Adv. for Respondent
no. 1 & 2 (M:9818119491)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.07.2024

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1. The present suit has been filed for permanent injunction, infringement of design, infringement of copyright, infringement of trademarks, passing off, unfair competition and rendition of accounts of profit.
2. The parties were referred to mediation, wherein, they have successfully negotiated a settlement and executed a settlement agreement dated 09th July, 2024.
3. The counsels for the parties, who appear before this Court, confirmed the terms of the settlement, and prayed that the suit be decreed in terms, thereof.
4. The Court has perused the terms of the settlement agreement dated 09th July, 2024 and finds the same to be lawful.
5. In terms of the said settlement between the parties, defendants have acknowledged that that plaintiffs are the registered proprietor of the registered trademark 'HERO', and the design therein.



6. Further, the defendants have acknowledged that the registered trademarks, design and copyright of the plaintiffs are well known in India and worldwide, in relation to industrial oils and lubricants. The defendants have undertaken that they shall not apply for the plaintiffs' registered designs, in relation to the bottles manufactured and/or marketed by them.

7. In terms of the settlement, the defendants have agreed to pay a sum of ₹ 4,00,000/-, towards full and final settlement of all the inter-se disputes between the parties. Learned counsel for the plaintiffs confirms the fact of receiving of the aforesaid amount.

8. Accordingly, the present suit is decreed in favour of the plaintiffs and against the defendants in terms of the settlement agreement dated 09th July, 2024 and in terms of Prayer Clause a, b, c and d of the plaint, which shall form part of the decree.

9. Parties shall remain bound by the terms and conditions of the settlement.

10. In view of the fact that the parties have arrived at a compromise, Registry is directed to issue a certificate for refund of full Court Fee in favour of the plaintiff no.1, as requested by learned counsel for the plaintiffs.

11. Decree sheet be drawn up.

12. Accordingly, the suit along with pending applications, stands disposed of.

MINI PUSHKARNA, J

JULY 22, 2024

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