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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(OS)(COMM) 13/2024 CM APPL. 30050/2024 CM APPL.
30051/2024 CM APPL. 30052/2024 CM APPL. 30053/2024 CM
APPL. 38863/2024

SANTOSH KUMAR SHARMA TRADING AS SHIV SHAKTI
CREATIONAppellant

Through: Mr. Deepak Sharma, Adv.
versus

RETAIL ROYALTY COMPANY & ANR.Respondents

Through: Mr. Urfee Roomi, Ms. Janaki Arun,
Mr. Ayush Dixit and Mr. Arpit
Singhal, Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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15.07.2024

1. The appellant has filed the present appeal impugning the judgment dated 06.09.2023 (hereafter *the impugned judgment*), passed by the learned Single Judge in CS (COMM) 396/2023.
2. In terms of the impugned judgement, the learned Single Judge has decreed the suit with the consent of the respondent. The learned Single Judge has also directed that learned Joint Registrar/Taxation Officer to compute the costs.
3. The respondents had filed the above-captioned suit, *inter alia*, seeking an order of permanent injunction restraining the appellant from manufacturing, offering for sale, displaying, advertising or using directly or indirectly, readymade clothing or any other similar, related or allied or



cognate goods bearing the respondents' trademark



, AMERICAN EAGLE OUTFITTERS and AMERICAN EAGLE.

4. The appellant had accepted the said decree and had also agreed to pay costs.

5. The appellant has confined the present appeal only to the question of the cost as computed by the learned Joint Registrar.

6. In terms of the impugned judgment, the appellant claims that prior to the impugned judgment, the parties had endeavoured to negotiate the terms of settlement. One of the points in respect to which there was no consensus was the costs to be paid. The appellant contends that he was ready to pay a cost of ₹2.2 Lacs. However, the respondent demanded a sum of ₹8 Lacs, which was subsequently agreed to be reduced.

7. The appellant claims that although, the impugned judgment and decree was passed with his consent, the present appeal is maintainable as the same was obtained by fraud. We, *prima facie*, find no merit in this contention.

8. After some arguments, learned counsel for the parties have agreed, on instructions, that the cost be quantified at a sum of ₹5 Lacs to be paid by the appellant within a period of four weeks.

9. The appellant also withdraws allegations made against the counsel for the respondent.

10. In view of the above, it is directed that if the appellant pays a sum of ₹5 Lacs within a period of four weeks, the impugned judgment and decree in



regard to payment of costs will stand satisfied. It is clarified that if the payment is not made, the respondent may execute the impugned decree.

11. The present appeal is dismissed, *albeit*, in the aforesaid terms along with all pending applications.

12. This order is passed with the consent of the parties.

13. Learned counsel for the appellant and the appellant will sign this order as an enactment of his consent recorded herein.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 15, 2024/cl