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

+ **CS(COMM) 545/2023 & I.As. 14910-14912/2023, 20356/2023**

SPYKAR LIFESTYLES PRIVATE LIMITED Plaintiff

Through: Mr. Manu Nair, Mr. J.V. Abhay, Mr. Manik Sachdeva, Ms. Henal Vakhoria, Mr. Dhruv Grover and Mr. Abhineet Kalia, Advocates.

versus

SHYAM PLASTIC INDUSTRIES & ORS. Defendants

Through: Mr. U. K. Singhal, Ms. Akshita Chhatwala Setiya, Advocates.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER
17.05.2024**

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1. Plaintiff, Spykar Lifestyles Private Limited, has filed the present suit seeking protection of their statutory and common law rights under its

registered trademarks “SPYKAR”, “”,

“”, “”, “SPYKAR JEANS”,

“”, and other formative marks⁴. Plaintiff has been

engaged in the business of manufacturing, marketing and selling apparels, footwear and accessories under its registered trademarks for more than three decades with distribution channels across India. Plaintiff has filed the present suit seeking permanent injunction restraining Defendant Nos. 1 to 3

⁴ “Plaintiff’s trademarks”



from using an identical/deceptively similar mark “SPYKAR”/ **“Spykar”**⁵, for the identical product of footwear, thereby amounting to infringement and passing off.

2. During the pendency of the present suit, *vide* order dated 20th December, 2023, parties were referred to mediation before the Delhi High Court Mediation and Conciliation Centre whereby, the parties executed a Settlement Agreement dated 23rd April, 2024, resolving the dispute *inter-se* the parties.

3. The Settlement Agreement has duly been placed on record, and is accompanied by a Board Resolution as well as a Letter of Authorisation in favour of the authorised representatives of the Plaintiff and Defendants respectively.

4. Counsel for the parties mentioned in the appearance above, confirm the terms of settlement and pray for the suit to be decreed in terms thereof. The Court has perused the said terms and finds the same to be lawful.

5. In terms of clause 7 of the said Settlement Agreement, the Defendants have made a payment of INR 50,000/- (Rupees Fifty Thousand Only) to the Plaintiff towards full and final resolution of monetary claims arising from the present suit. The receipt of the said payment is duly acknowledged by the counsel for Plaintiff.

6. Accordingly, the present suit is decreed in favour of the Plaintiff and against the Defendants, in terms of the Settlement Agreement dated 23rd April, 2024, which shall form part of the decree. Parties shall remain bound by the terms and conditions of the settlement.

7. 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 fees, in favour of the Plaintiff.

⁵ “Defendants’ mark”



8. Decree sheet be drawn up.
9. Suit and pending applications stand disposed of.

SANJEEV NARULA, J

MAY 17, 2024
as