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

+ **FAO (COMM) 129/2024 & CM No.37676/2024**

RRE FOODS AND SOFT DRINKS PVT. LTDAppellant

Through: Mr. Rakesh Malhotra, Mr. R.K. Tripathi, Mr. Taksh Suri & Mr. Bharat Malhotra, Advs. along with AR of the appellant.

Versus

ALKA FOOD PRIVATE LIMITEDRespondent

Through: Mr. Kunal Khanna, Mr. Kapil Kumar Giri, Mr. Naushad Ali, Mr. Narender Kumar, Mr. Chanchal Deep & Mr. Lalit Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **25.07.2024**

1. The appellant has filed the present appeal, *inter alia*, impugning an order dated 30.04.2024 passed by the learned Commercial Court in CS(Comm.) No.105/2020 captioned *Alka Foods Pvt. Limited v. R.R.E. Foods and Soft Drinks (P) Limited*, whereby the appellant's application under Order IX Rule 13 of the Code of Civil Procedure, 1908 was dismissed. The appellant had filed the application seeking recall of the *ex parte* decree dated 01.12.2021.

2. This order is in continuation of the yesterday's order dated 24.07.2024 when after some arguments, the learned counsel appearing for the appellant had made an offer and submitted that the disputes could be resolved amicably and the appellant is ready and willing to suffer a decree if the damages awarded is reduced to 50% of the decretal amount.

3. This was also recorded by this Court in the order dated 24.07.2024 and the learned counsel appearing for the respondent had sought time to obtain



instructions in this regard. Accordingly, the present appeal was listed for today.

4. The learned counsel appearing for the respondent is ready and willing to accept ₹10,00,000/- (that is, 50% of the decreed amount of ₹20,00,000/-) in full and final settlement of its claim for the damages as decreed. He further states that the decree restraining the appellant from using the infringing marks is required to be complied with.

5. The learned counsel appearing for the appellant, on instructions, states that the same is acceptable to the appellant.

6. In view of the consensus arrived at between the parties, the appellant is directed to pay a sum of ₹10,00,000/- (that is 50% of the decreed amount) to the respondent within a period of eight weeks from date. The appellant is also bound down to the statement made on its behalf.

7. The appeal is accordingly dismissed as not pressed.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 25, 2024

‘gsr’

[Click here to check corrigendum, if any](#)