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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.O. (COMM.IPD-TM) 83/2021 & I.A. No. 37152/2024
VEEKESY RUBBER INDUSTRIES PVT. LTD.Petitioner

Through: Mr. Ashutosh Kumar with Mr. Ishan George, Mr. Swarnil Dey, Ms. R. George and Mr. Arohit Jain, Advocates.
(M): 9880444377

versus

VIJAY KALRA AND ANR.Respondents
Through: Mr. Bharat Gupta with Mr. Ishan Srivastava, Advocates for respondent no. 1.
(M): 9810444651
Ms. Nidhi Raman, CGSC with Mr. Zubin Singh, Advocate for respondent/UOI.
(M): 9891088658

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **22.08.2024**

I.A. No. 37152/2024 (Application under Order XXIII Rule 3 read with Section 151 CPC)

1. The present application has been filed jointly on behalf of the petitioner and respondent no.1 under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC").
2. The present petition has been filed by the petitioner seeking



rectification/ cancellation of the registered trademark no. 2890331, registered in the name of respondent no.1.

3. Learned counsels appearing for the parties submit that the matter has been settled between the parties amicably through mutual consent and understanding. The terms of the settlement arrived at between the parties are given in the Settlement Agreement dated 24th July, 2024, executed between the parties.

4. Learned counsels appearing for the parties confirm the terms of the settlement and pray that the petition be disposed of in terms of the Settlement Agreement dated 24th July, 2024.

5. This Court has perused the terms of the Settlement Agreement dated 24th July, 2024, and finds the same to be lawful.

6. In terms of the settlement, the respondent no. 1 has acknowledged and recognized the exclusive proprietary rights of the petitioner in the trademark and trade name 'VKC and VKC LITE and other VKC Family Marks'.

7. Further, the respondent no. 1 has promised, assured, undertaken and warranted that it has already changed its brand name and has not been dealing in the trademarks 'VKV and VKV LITE' or any other word/mark/label/logo/device, which might be identical with and/or deceptively similar to the petitioner's trademark 'VKC and VKC LITE'.

8. As per the settlement, the respondent no. 1 shall not conduct any business and/or offer any services or goods now or in the future, under the trademarks 'VKV and VKV LITE' or consisting of or containing a designation identical or similar to the trademark/name of the petitioner, i.e., 'VKC and VKC LITE' in India or in any other country across the world.

9. The settlement agreement further records that the respondent no. 1



shall forthwith abandon the trademark application for 'VKV and VKV LITE' and write an appropriate communication to the Trademark Registry in this regard.

10. Learned counsel appearing for the respondent no.1 submits that an amount of ₹50,000/- in terms of the settlement, has already been paid to the petitioner.

11. Accordingly, the present petition is disposed of in favour of the petitioner and against the respondent no. 1 in terms of the Settlement Agreement dated 24th July, 2024.

12. The parties shall remain bound by the terms and conditions of the settlement agreement.

13. The Trademark Registry is directed to expeditiously process the withdrawal application of the respondent no. 1.

14. Further, upon receipt of the withdrawal application by respondent no. 1, the Registrar of Trademarks shall proceed to rectify its register and remove the trademark 'VKV and VKV LITE' from its register.

15. With the aforesaid directions, the present petition is disposed of, along with the pending application.

MINI PUSHKARNA, J

AUGUST 22, 2024

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