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

+ **C.O. (COMM.IPD-TM) 247/2021**

BHATIA ENTERPRISES

.....Petitioner

Through: Mr. Rishabh Srivastava, Adv.
M: 9737708556

versus

SHREE BALAJI INDUSTRIES AND ANR.

.....Respondents

Through: Mr. Tanvir Nayar and Mr. Yagyesh
Kumar, Advs. for R-1.
M: 9205618242
Email: advyagyesh@gmail.com
Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh, Adv. for R-2.
M: 9958614305

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.08.2024

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1. The present petition has been filed seeking removal/rectification of the trademark 'GOLDEN MAYUR' from register trademark being deceptively similar to the trademark of the plaintiff, i.e., 'MAYUR'.
2. The matter was referred to the Delhi High Court Mediation and Conciliation Centre by this Court, vide order dated 09th November, 2023.
3. Learned counsel appearing for the parties submit that the parties have successfully negotiated a settlement and have executed the Settlement Agreement dated 27th August, 2024, before the Delhi High court Mediation and Conciliation Centre.
4. Learned counsel for the parties confirm the terms of the settlement



and pray that the petition be disposed of in terms of the Settlement Agreement dated 27th August, 2024.

5. The Court has perused the terms of the Settlement Agreement and finds the same to be lawful.

6. In terms of the Settlement Agreement, the petitioner has recorded its no objection to the continuance of the trademark registered under no. 4056668 in Class-21 by the respondent, subject to certain restrictions on the actual usage and undertaking in description of goods thereof, in the course of trade.

7. The respondents have voluntarily restricted their business under the subject registration for manufacturing, sale and distributing utensils, only made only of Aluminium in different sizes, as per the catalogue, i.e., Annexure-D of the Settlement Agreement.

8. Further, as per the settlement, the respondents have undertaken to always represent their mark on its goods in the manner, as given in Annexure-C of the Settlement Agreement.

9. Accordingly, it is directed that the parties shall remain bound by the terms and conditions of the settlement.

10. The Registrar of Trademarks is directed to make the necessary rectification in the Register to incorporate the use of the registered trademark no. 4056668 in Class 21 in favour of the respondent, as restricted to manufacturing, sale and distributing utensils, made only of aluminium in different sizes.

11. The Trademark Registry shall issue an appropriate notification to the above effect.

12. The Registry is directed to supply a copy of the present order to the



Trademarks Registry at llc-ipo@gov.in, for compliance.

13. In view thereof, the present petition is disposed of in terms of the Settlement Agreement dated 27th August, 2024, entered into between the parties.

MINI PUSHKARNA, J

AUGUST 28, 2024/kr