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

+ **CS(COMM) 432/2018 & I.A. 38254/2024**

SHAM LAL BANSAL

.....Plaintiff

Through: Mr. Amit Jain, Advocate
Mob: 9818558690

versus

DINESH BAJAJ & ANR.

.....Defendants

Through: Mr. M.K. Miglani, Advocate

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

03.09.2024

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I.A. 38254/2024

1. The present application has been filed under order XXIII Rule 3 of the Code of Civil Procedure, 1908 ("CPC"), read with Section 151 CPC, seeking to bring on record the terms of settlement arrived at between the parties.
2. The present suit has been filed for permanent injunction restraining infringement of trademark, copyright, passing off, damages, delivery up, etc.
3. During the pendency of the present suit, the defendant approached the plaintiffs for amicable settlement, and accordingly, the plaintiffs have accepted the proposal of the defendant. Thus, the parties have agreed to settle the matter, terms of which are contained in Para 6 of the present application.
4. Learned counsels appearing for the parties confirm the terms of the



settlement and pray that the suit be decreed, in terms thereof.

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

6. In terms of the settlement, the defendant admits that the plaintiffs are the sole and exclusive owners and proprietors of the trademark 'RAGE' for all hosiery goods included in Class-25. Further, the defendant admits that the plaintiffs are the first and prior adopter and user of the trademark 'RAGE' for all hosiery goods included in Class-25.

7. The defendant has also admitted the trademark registration number 777136 in Class-25 in favour of the plaintiff no. 1 and trademark registration no. 691057 in Class 25 in favour of plaintiff no. 2, to be valid and subsisting.

8. It is further one of the terms of the settlement that the defendant shall

adopt and use the trademark labels



and



for hosiery goods and readymade

garments. The plaintiffs have no objection to the use of the said trademark/ labels by the defendant. Further, the plaintiffs have agreed to withdraw their opposition to application nos. 1672593, 1703262, 1703263 and 1703264 pending before the Registrar of Trade Marks.

9. Accordingly, the present suit is decreed in favour of the plaintiffs and



against the defendant in terms of the settlement reached between the parties, as contained in Para 6 of the present application, and in terms of Para 32 (a), (b) and (c) of the prayer clause of the plaint, which shall form part of the decree.

10. Parties shall remain bound by the terms and conditions of the settlement.

11. In view of the fact that parties have arrived at a compromise, Registry is directed to issue a certificate for refund of 25% of the Court fee in favour of the plaintiffs.

12. Decree shall be drawn up.

13. The suit, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 3, 2024

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