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

+ **CS(COMM) 839/2024 & I.A. 40644/2024, I.A. 46458/2024**

M/S TEJ RAM DHARAM PAUL & ANR.Plaintiffs

Through: Mr. Amit Jain, Mr. Sumit Kumar, Mr.
Ashutosh Pandey, Advocates
(M:9818558680)

versus

M/S GOBIND TOBACCO MFG & ORS.Defendants

Through: Mr. Abhishek Mohan Sinha, Adv. for
D-1 to 3.
(M- 9910206525)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.11.2024

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I.A. 46458/2024

1. The present application has been filed under Order XXIII Rule 3 read with Section 151 of Code of Civil Procedure, 1908 ("CPC") on behalf of both the plaintiffs and the defendants.
2. By way of the present application, it is submitted that the defendants do not seek to contest the present suit, thus, the defendants have approached the plaintiffs for an amicable settlement. The plaintiffs have accepted the proposal of the defendants.
3. The terms of the settlement are contained in paragraph 6 of the present application.
4. Learned counsels for the parties submit that the suit be decreed in terms of the settlement between the parties.
5. This Court has perused the terms of the settlement and finds the same



to be lawful.

6. As per the settlement, the defendants have acknowledged that the plaintiffs are the first and prior adopter and user of the trademark/



label/package/COOL LIP/ and the same is exclusively associated with the plaintiffs.

7. Further, the defendants have acknowledged the validity of all the registrations of the plaintiffs' trademarks/labels, as well as the copyright registrations, as mentioned in the plaint.

8. The defendants have further undertaken that they be permanently restrained from manufacturing, exporting, selling, offering for sale, exhibiting, advertising, directly or indirectly dealing in goods such as all kinds of tobacco, filter tabbaq, khaini, mouth freshener, pan masalas and other cognate and allied goods under the trade mark/label/ packaging COOL



MINT/ or any other identical/deceptively similar mark to the plaintiff no.1's registered trademark/label/ packaging amounting to infringement of the trade marks acquired by the plaintiffs in their favour.



9. Accordingly, the suit is decreed in favour of the plaintiffs and against the defendants in terms of the settlement between the parties, as contained in paragraph 6 of the present application, which shall form part of the decree; and in terms of paragraph 56 (a) to (c) of the plaint.

10. Considering the fact that the parties have arrived at a settlement, Registry of this Court is directed to issue a certificate for refund of full court fees in favour of the plaintiffs.

11. The parties are bound by the aforesaid terms of the settlement.

12. Decree sheet be drawn up.

13. The present suit, along with pending applications stands disposed of.

14. The next dates of hearing, i.e., 17th December, 2024 and 03rd February, 2025, stand cancelled.

MINI PUSHKARNA, J

NOVEMBER 28, 2024

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