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

+ **CS(COMM) 865/2024 & I.A. 46878/2024**

MANKIND PHARMA LIMITED

.....Plaintiff

Through: Mr. Ankur Dangal, Mr. Ankit Arvin
and Mr. Kiratraj Sadana, Advs.

versus

**HUMANKIND HEALTH AND HYGIENE PRIVATE LIMITED &
ORS.**

.....Defendants

Through: Mr. Dhanur Dhar Singh Rana, Adv.
for R-1, 2 and 3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

02.12.2024

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I.A. 46878/2024

1. The present is a joint application under Order XXIII Rule 3, read with Section 151 of Code of Civil Procedure, 1908 ("CPC"), filed jointly by the plaintiff and the defendants.
2. The present suit has been filed *inter alia* seeking permanent injunction restraining infringement of the trademark, passing off, unfair trade practice, rendition of accounts, damages, etc. against the defendants for adoption and use of the infringing trademark/ corporate name/ trade name 'HUMANKIND'.
3. It is submitted that during the pendency of the present suit, the parties have amicably settled the disputes, terms of which are contained in paragraph 2 of the present application.
4. Learned counsel 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 the settlement and finds the same to be lawful.



6. As per the Settlement Agreement between the parties, the defendants have acknowledged that the plaintiff is the sole and exclusive proprietor of the trademarks 'MANKIND' and 'HUMANKIND S' and other 'KIND' formative trademarks.

7. Further, the defendants have agreed and undertaken that they will not use the trademark/ trade name/ corporate name "HUMANKIND" /



HUMANKIND HEALTH AND HYGIENE PRIVATE LIMITED/ HUMANKIND PHARMACEUTICAL AND LIFESCIENCES PRIVATE LIMITED or any other trademark/ trade name as may be identical to or deceptively similar with the plaintiff's trademarks 'MANKIND', 'HUMANKIND' and/or 'KIND' formative trademarks.

8. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendants in terms of the settlement between the parties, which shall form part of the decree, and in terms of prayers (a) to (f) of the plaint.

9. In view of the fact that parties have arrived at a compromise, the Registry of this Court is directed to issue a certificate of refund of Full Court Fees in favour of the plaintiff.

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

11. Decree sheet be drawn up.

12. Suit along with the pending applications, stands disposed of.

13. The next dates of hearing, i.e., 17th January, 2025 and 22nd January, 2025, stand cancelled.

MINI PUSHKARNA, J

DECEMBER 2, 2024/kr