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

+ **CS(COMM) 966/2024 with I.A. 43813/2024, I.A. 43814/2024,
MANKIND PHARMA LIMITED**Plaintiff

Through: Mr. Ankur Sangal and Mr. Shashwat
Rakshit, Advs.

versus

S.A MEDLINE PRIVATE LIMITEDDefendant

Through:

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER

29.11.2024

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**CS(COMM) 966/2024 and I.A. 46654/2024 (Joint settlement application
under Order XXIII Rule 3 of CPC)**

1. This is a joint application filed under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 ('CPC') for recording of compromise between the parties.
2. The application has been signed by the authorised representatives of the plaintiff and the defendant as well as their respective counsel. The application is also supported by an affidavit as well as letter of Authority/Board Resolution in favour of the representatives of the parties.
3. The terms of settlement are recorded in paragraph 2 of the application.
4. I have gone through the terms of the settlement and find the same to be lawful.
5. In terms of the settlement, the defendant has undertaken to withdraw its impugned trademark registration bearing registration No. 5328362. The

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relevant clause in paragraph 2 is set out below:

“c. The Defendant undertakes to withdraw its impugned trade mark registration bearing registration no. 5328362 within 7 days from the date of the present settlement application and share the proof of the same with Plaintiff;”

6. The parties shall remain bound by the terms of the settlement.
7. In view of the above, the present suit is decreed against the defendant and the captioned application shall form part of the decree sheet.
8. The decree sheet be drawn up.
9. Since the matter has been settled between the parties at an initial stage, the Registry is directed to issue a certificate of refund of entire Court Fees in favour of the plaintiff, in terms of Section 16 of the Court Fees Act, 1870.
10. All pending applications stand disposed of.

AMIT BANSAL, J

NOVEMBER 29, 2024

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