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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 428/2017, I.A. 11737/2019, I.A. 16312/2019 & I.A.
4923/2021

VINAY AGGARWAL

.....Plaintiff

Through: Mr. Shahzeb Ahmed, Adv. (Through
VC)
M: 9911150016
Email:
Shahzeb.ahmed@acechambers.in

versus

RIMS MARKETING PVT. LTD.

.....Defendant

Through: Mr. Navin Kumar and Mr. Nikhil
Fernandes, Advs.
M: 9971326889

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
25.11.2024

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1. Learned counsel appearing for the parties submit that the talks of settlement have failed and submit that the matter be placed before the Joint Registrar (Judicial) for admission-denial of documents.
2. This Court notes the submissions made by the learned counsel appearing for the defendant that the defendant has already stopped user of the infringing mark, and submits that he is ready to suffer a decree.
3. He further submits that the defendant is ready to pay nominal cost/damages to the tune of ₹10 to 12 Lacs. He submits that the plaintiff is demanding an astronomical amount, on account of which, the settlement



talks have failed.

4. At this stage, learned counsel for the plaintiff submits that the plaintiff has incurred huge costs towards adjudication of the present suit. He, thus, submits that the plaintiff is pressing for Costs and Damages.

5. Mr. Nikhil Fernandes, learned counsel for the defendant submits that the defendant is ready to make a payment of Rupees Fifteen Lacs (₹ 15 Lacs) towards Costs and Damages.

6. The matter was passed over. On pass-over, Mr. Shahzeb Ahmed, learned counsel for the plaintiff submits that he has taken instruction from his client and his client is ready to accept the amount of ₹ 15 Lacs towards Costs and Damages.

7. Mr. Vinay Aggarwal, plaintiff has also joined through video conferencing and accepts that he is agreeable to the receipt of an amount of ₹ 15 Lacs towards costs and damages.

8. At this stage, Mr. Nikhil Fernandes, learned counsel for the defendant submits that some time may be granted to pay the said amount of ₹ 15 Lacs to the plaintiff.

9. Accordingly, with the consent of the parties, the following directions are issued:

I. The suit is decreed in favour of the plaintiff and against the defendant in terms of Paragraph 31 (i) to (iii) of the plaint.

II. The defendant shall pay an amount of ₹ 15 Lacs towards Costs and Damages to the plaintiff. The said amount shall be paid by the defendant to the plaintiff within a period of three months from today.

10. Considering the fact that the matter has been settled between the parties, and the plaintiff has accepted the amount as offered by the



defendant, the Registry of this Court is directed to issue a certificate of refund of court fees to the plaintiff, to the extent of 50% of the court fees.

11. Learned counsel for the plaintiff submits that in view of the aforesaid, he withdraws the contempt petition filed against the defendant. The aforesaid statement is accordingly recorded.

12. Let decree sheet be drawn up.

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

MINI PUSHKARNA, J

NOVEMBER 25, 2024/au