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

+ **CS(COMM) 620/2017 & I.A. 8334/2007, I.A. 3399/2008, I.A. 3400/2008**

M/S. NICE FOOD PRODUCTS

.....Plaintiff

Through: Mr. Rishabh Srivastava, Mr. Sahil Gupta, Ms. Yasheshwini Sharma,
Advocates (M:9958349040)

versus

M/S. D.M. FOOD PRODUCTS

.....Defendant

Through: Mr. Amit Jain, Ms. Deeksha Gulati,
Advocates (M:9818558690)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.08.2024

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1. The present suit has been filed seeking perpetual injunction restraining infringement of copyright, passing off, rendition of accounts, etc.
2. As per the case canvassed on behalf of the plaintiff, the plaintiff has been engaged in the business of manufacturing and marketing of Goli, Toffee, Candies, Lollypops, Confectionery Goods and Sweets of all kinds, for more than 15 years under the registered trademark "PRIKA'S CHAA-PAT".
3. Since the defendant started the business of manufacturing and marketing of 'Confectionery & Sweets' under the identical and/or deceptively similar trademark "CHATAK MATAK", with the device/label of the bald boy, the present case came to be filed.



4. The parties were referred to mediation vide order dated 09th August, 2023, wherein, they have successfully negotiated a settlement and executed a Settlement Agreement dated 08th July, 2024 before the Delhi High Court Mediation and Conciliation Centre.
5. Learned counsels for the parties who have appeared today, have confirmed the terms of settlement and prayed that the suit be decreed, in terms thereof.
6. This Court has perused the terms of the settlement and finds the same to be lawful.
7. As per the settlement, the defendant has undertaken not to use the impugned label/ trade dress and has also undertaken not to use any label/ trade dress in future, bearing the art work/device of *bald boy*, as that of the plaintiff.
8. Further, the defendant has declared and confirmed that it has already ceased the manufacturing, use and sale of the products under the impugned label, pursuant to the *ex-parte ad interim* injunction order. The defendant has further declared that he is not in possession of any packaging material and/or any other material, bearing the impugned label.
9. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendant, in terms of Settlement Agreement dated 08th July, 2024, which shall form part of the decree.
10. In view of the fact that the parties have arrived at a compromise, the Registry is directed to issue a certificate for refund of Court fees to the extent of 50%, in favour of the plaintiff.
11. Decree sheet be drawn up.



12. Accordingly, the suit, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 29, 2024
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