$~O-8 to 11

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

\# **CNR No. DLHC010472772021**

\+ C.O. (COMM.IPD-TM) 28/2021

HOTEL HILTONE PVT LTD

.....Petitioner

Through: Mr. Kunal Vats, Mr. Sreejan Pankaj, Mr. Shitanshu Abhishek, Advocates.

versus

HILTON INTERNATIONAL COMPANY

.....Respondent

Through: Mr. Saif Khan, Mr. Prajjwal Kushwaha and Mr. Shayal Anand, Advocates.

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\# **CNR No. DLHC010430462018**

\+ CS(COMM) 453/2018

HLT INTERNATIONAL IP LLC

.....Plaintiff

Through: Mr. Saif Khan, Mr. Prajjwal Kushwaha and Mr. Shayal Anand, Advocates.

versus

HOTEL HILLTONE LTD.

.....Defendant

Through: Mr. Kunal Vats, Mr. Sreejan Pankaj, Mr. Shitanshu Abhishek, Advocates.

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\# **CNR No. DLHC010443662018**

\+ CS(COMM) 475/2018

HLT INTERNATIONAL IP LLC

.....Plaintiff

Through: Mr. Saif Khan, Mr. Prajjwal Kushwaha and Mr. Shayal Anand, Advocates.

versus

A.K.GARG AND ANR.

.....Defendant

Through: Mr. Kunal Vats, Mr. Sreejan Pankaj, Mr. Shitanshu Abhishek, Advocates.

11

\# **CNR No. DLHC010034342022**

\+ C.O. (COMM.IPD-TM) 28/2022

HOTEL HILLTONE PVT. LTD.

.....Petitioner

Through: Mr. Kunal Vats, Mr. Sreejan Pankaj, Mr. Shitanshu Abhishek, Advocates.

versus

HILTON INTERNATIONAL COMPANY

.....Respondent

Through: Mr. Saif Khan, Mr. Prajjwal Kushwaha and Mr. Shayal Anand, Advocates.

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CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 27.10.2026

I. A. No. _*to be numbered*__ (under Order I Rule 10 read with Section 151 of the CPC) in CS(COMM) 453/2018

1. The present application has been filed by the plaintiff therein seeking substitution of the plaintiff.

2. It is contended that for the same reasons, the plaintiff namely Hilton International Company has to be substituted with new entity in all four cases i.e. C.O. (COMM.IPD-TM) 28/2021, CS(COMM) 453/2018, CS(COMM) 475/2018, C.O. (COMM.IPD-TM) 28/2022.

3. The application is taken up for consideration. Let the same be numbered.

4. This suit seems to have been filed in the year 2004, the same was re-numbered as a commercial suit in the year 2018. The suit is for the permanent injunctions restraining infringement of trademark, passing off, delivery up, rendition of accounts and damages.

5. There are two rectification petitions also i.e. C.O. (COMM.IPD-TM) 28/2021 and C.O. (COMM.IPD-TM) 28/2022 filed by the other side against the plaintiff herein. It is pointed out that during the pendency of the proceedings, the certain trademarks including the ones relevant to the present dispute, have been assigned to another entity, which is part of the plaintiff's group of companies. The assignment deed dated 27.03.2015, has been relied upon. On the basis of the said assignment, the plaintiff has assigned the Hilton Family of marks to Hilton Worldwide Holding LLP,

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Located at Maple Court Central Park, Reeds Crescent, Watford, WD24 4QQ, United Kingdom.

6. The plaintiff has also taken steps to have Hilton Worldwide Holding LLP substituted as the registered proprietor in the register of trademarks and the change has already been effected.

7. In view of the aforesaid, there is no difficulty in allowing the instant application and substituting the earlier plaintiff with Hilton Worldwide Holding LLP, Maple Court Central Park, Reeds Crescent, Watford, WD24 4QQ, United Kingdom.

8. Accordingly, the application stands allowed.

9. Let the amended memo of parties be placed on record in all cases i.e. . C.O. (COMM.IPD-TM) 28/2021, CS(COMM) 453/2018, CS(COMM) 475/2018, C.O. (COMM.IPD-TM) 28/2022.

I. A. No. _*to be numbered*_ (under Order 23 Rule 3 read with Section 151 of the CPC) in CS(COMM) 453/2018

10. Learned counsel for the parties have filed the present application under Order XXIII Rule 3 of the CPC for the following reliefs:

> "*a. The parties be permitted to withdraw the following proceedings:*
> *i.* *CS(COMM) 475/2018*
> *ii.* *CS(COMM) 453/2018,*
> *iii.* *COMM.IPD-TM) 28/2021,*
> iv. *C.O. (COMM.IPD-TM) 28/2022*"

11. The parties contend that they have amicably resolved their dispute by settlement agreement dated 09.09.2026 annexed with the application as 'Document – A'.

12. The Order XXIII, Rule 3 authorises the Court to pass a decree on a compromise wherein the parties to the dispute have made an arrangement to

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settle the dispute. It has been comprehensively stated in the provision that the settlement arrived at should meet the essentials laid down therein, namely, (i) the compromise is lawful (ii) it is reduced in writing (iii) it is duly signed by the parties arriving at the compromise.

13. The settlement has been agreed upon without fear or coercion and the parties appear to have entered into the settlement agreement on their own volition.

14. The Court is satisfied that the settlement has been arrived at between the parties following due procedure and meeting the essentials specified Order XXIII, Rule 3. Therefore, the parties shall be bound by the aforesaid settlement agreement.

15. The application stands allowed.

C.O. (COMM.IPD-TM) 28/2021 and C.O. (COMM.IPD-TM) 28/2022

16. In view of the order passed in application under Order XXIII Rule 3 filed in CS(COMM) 453/2018, the present petition stands disposed of in view of the settlement arrived between the parties.

17. The parties shall remain bound by the settlement.

CS(COMM) 453/2018 and CS(COMM) 475/2018

18. In view of the order passed in application under Order XXIII Rule 3 filed in CS(COMM) 453/2018, the present civil suits stand decreed in terms of the settlement agreement dated 09.09.2026.

19. The Registry is directed to draw-up the decree sheet(s).

20. The civil suits along with the pending applications stand disposed of

PURUSHAINDRA KUMAR KAURAV, J

OCTOBER 27, 2026/aks

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