

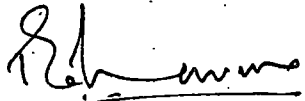
Sr. No.	Date	Orders 10
%		<p>07.02.2002.</p> <p>Present: Ms. Binny Kalra for the plaintiffs. Mr. Mahendra Pal with Mr. Gagan Chhabra for the defendants.</p> <p><u>I.A.1323/2002.</u></p> <p>This is an application filed by the plaintiffs seeking for amendment of the plaint, on the ground that during the pendency of the suit the plaintiff No.1 has merged with Glaxo India Limited to form a Company, namely Glaxo SmithKline Pharmaceuticals Limited.</p> <p>I have heard the learned counsel appearing for the parties and also perused the averments made in the application.</p> <p>For the reasons stated in the application, the application seeking for substitution of the plaintiff No.1 with the applicant as plaintiff No.1 and amendment of the plaint is allowed.</p> <p>The plaintiffs need not file any amended plaint as the amended memo of parties has been filed.</p> <p>Application stands disposed of.</p> <p><u>S.No.834/2001 & I.A.1322/2002.</u></p> <p>The present suit is filed by the plaintiffs seeking for a decree of permanent injunction restraining the defendants, their servants and agents from infringing the trademark</p>

Signature Not Verified

Digitally Signed

MOBIPALMFTD-2391HC-05-08-2000.

Sr. No.	Date	Orders
		<p data-bbox="883 274 1029 306">---:2:---</p> <p data-bbox="444 339 1455 567">and copyright of the plaintiffs and also for restraining passing off and also for a decree of rendition of accounts of profits and delivery of the goods of the defendants to the plaintiffs.</p> <p data-bbox="456 599 1455 1087">During the pendency of the suit, the parties have arrived at an amicable settlement out of Court and in terms thereof an application has been filed in this Court which is registered as I.A.No.1322/2002. The said application is filed under the provisions of Order XXIII Rule 3 CPC and the same incorporates the terms and conditions of settlement between the parties.</p> <p data-bbox="456 1120 1455 1942">I have perused the contents of the said application and I am satisfied that the said application is filed bona fide. The said application is also accompanied by affidavits filed on behalf of both the parties which are on record. On behalf of the plaintiffs, an affidavit has been filed by Shri K.K.Master, the Constituted Attorney of the plaintiff No.1 and on behalf of the plaintiff No.2, Shri Debjit Gupta has also filed such an affidavit. On behalf of the defendants, Shri Viren J.Parekh, who is the defendant No.1 and also partner of the defendant No.3 has filed an affidavit whereas Shri Parag C.Shah, who is the defendant No.2 has</p>

Sr. No.	Date	Orders
		<p style="text-align: right;">12</p> <p style="text-align: center;">---:3:--</p> <p>also filed an affidavit in his capacity as partner of the defendant No.3. Such affidavits are also filed jointly by Shri Parag C.Shah, Shri Viren J.Parekh, Shri Jagdeep Singh Gujral, who is defendant No.4 herein also has filed a separate affidavit.</p> <p>In view of the aforesaid position and in terms of the settlement arrived at between the parties, the suit stands decreed in terms of paragraph 26 (i),(ii),(iii) and (iv) of the plaint. So far reliefs claimed in sub-paragraphs (v),(vi) and (viii) of paragraph 26, the same are not pressed by the plaintiffs and accordingly the same are dismissed. The application under Order XXIII Rule 3 CPC which is marked 'X' shall form part of the decree. Decree sheet be drawn up accordingly.</p> <p>Parties shall bear their own costs.</p> <div style="text-align: right;">  (DR. MUKUNDAKAM SHARMA) JUDGE. </div> <p>FEBRUARY 07, 2002. VK.</p>