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

+ CS(OS) 4077/2014

FERRERO SPA

..... Plaintiff

Through : Ms. Vaishali Mittal with
Ms. Neha Reddy, Advocates

versus

RAMESH KUMAR AGARWAL & ORS

..... Defendants

Through : Mr. Shraman Sinha, Adv.
for D-1 to 4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

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29.05.2015

I.A. No.12358/2015(joint application u/O XXIII R 3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the suit proceedings, they have arrived at an out of court settlement.
2. The details of the terms and conditions of the settlement have been set out in paras 1 to 9 of the application, whereunder the defendants have given a series of undertakings to the plaintiff and in lieu of the said undertakings, the plaintiff has given up the relief of rendition of account and damages, mentioned in para 32 of the plaint. The defendants have also agreed to change their label/trade dress to the one depicted in the snapshots reflected in Annexure-A, enclosed with the application.
3. Counsels for the parties state that in view of the settlement

arrived at between the parties, as recorded in the present application, the suit may be decreed.

4. The Court has pursued the present application. The same has been signed by the constituted attorney of the plaintiff and the authorized signatory of the defendants as also by their respective counsels. The application is supported by the affidavits of the signatories to the application. Enclosed with the application are the defendants' new jar label and design.

5. As counsels for the plaintiff and the defendants jointly state that their clients have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.

6. The suit is decreed in terms of the settlement arrived at and recorded in the application and in terms of the prayers (i) to (v) contained in para 32 of the plaint, while leaving the parties to bear their own costs.

7. File be consigned to the record room.

HIMA KOHLI, J

MAY 29, 2015/sk