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

+ CS(OS) 1958/2015

PEPSICO INC & ANR Plaintiffs

Through : Mr. Kunal Mimani, Advocate

versus

JAGDAMBA FOOD & ANR Defendants

Through : Mr. H.S. Chaudhary, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

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23.12.2015

I.A.No.26202/2015 (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 present 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 para 2 of the application, whereunder the defendants have acknowledged the plaintiffs' rights in the mark "KURKURE" and have undertaken not to use the said mark. The defendants have also undertaken not to use the impugned marks "KURMURE" and "SARAL KURMURE" in any manner. They have further agreed to pay a sum of Rs.20,000/- to the plaintiff No.2 within two weeks from today. It has been agreed by the parties that in case of any breach of settlement on the part of the defendants, the plaintiffs shall be entitled to claim

damages from them to the tune of Rs.20,00,000/-.

3. Counsels for the parties jointly state that the suit may be decreed, in terms of the settlement arrived at between the parties.

4. The Court has pursued the present application. The same has been signed by the authorized representatives of the plaintiffs No.1 & 2 and by the defendant No.2 as the proprietor of the defendant No.1, apart from their respective counsels. The application is supported by the affidavits of the signatories to the application.

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, while leaving the parties to bear their own costs. Decree sheet be drawn accordingly.

7. File be consigned to the record room.

DECEMBER 23, 2015
sk/ap

HIMA KOHLI, J