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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 1136/2016**  
**ABBOTT HEALTHCARE PVT. LTD.** ..... Plaintiff  
Through: Mr. Deb Jyoti Ghosh, Advocate.  
versus  
**J.B REMEDIES PVT. LTD. & ORS.** ..... Defendants  
Through: Mr. Dhananjay Garg, Advocate.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**ORDER**

% **30.08.2016**

**I.A. No.10414/2016 (joint application under Order XXIII Rule 3 CPC)**

1. The present joint application has been filed by the parties stating, *inter alia*, that during the pendency of the suit proceedings, they have been able to arrive at an out of court settlement and the terms and conditions of the said settlement have been set out in para 2 of the application, wherein the defendants have admitted the plaintiff to be the registered proprietor of the trademark, "ESGIPYRIN" in class 5 and has given a series of undertakings to the plaintiff. The defendants have also agreed to pay a sum of Rs.1,00,000/- as token amount towards damages to the plaintiff.
2. Counsel for the plaintiff states that the plaintiff has received a sum of Rs.1,00,000/- from the defendants. He also confirms that the defendants have handed over all the existing stocks and packing material bearing the marks "EAZEOPYRIN" for the purpose of destruction. In view of the undertakings given by the defendants, the plaintiff has given up the relief of damages and cost, etc. and both the parties state that the suit may be decreed

in terms of paras 33(a), (b), (c) & (d) of the plaint and the terms and conditions recorded in the present application.

3. The Court has perused the present application. The same has been signed by the authorised signatory of the plaintiff company and the Director of defendant No.1 as also the defendant No.2 and their respective counsels. The same is supported by the affidavits of the signatories to the application.

4. As counsels for the parties 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 present application.

5. The suit is decreed in terms of prayers contained in paras 33(a), (b), (c) & (d) of the plaint and the conditions recorded in the present application while leaving the parties to bear their own costs.

6. The suit is disposed of along with pending applications.

7. File be consigned to the record room.

**HIMA KOHLI, J**

**AUGUST 30, 2016**

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