
(2011) 11 DEL CK 0367
In the Delhi High Court
Case No : CS (OS) 969 of 2011

Manisha Jain

APPELLANT

Vs

M/s JMV Apparels and Ors

RESPONDENT

Date of Decision : 18-11-2011

Acts Referred:

Court Fees Act, 1870 — Section 16

Citation : (2011) 11 DEL CK 0367

Hon'ble Judges : G.S. Sistani, J

Bench : Single Bench

Advocate : Ashwin Vaish and Mr. Rajat Pahwa, for the Appellant; Umesh Mishra, for defendants no. 1-3 along with Mr. Abhinandan Jain, husband of Ms. Anshu Jain, defendant no. 2, proprietor of defendant no. 1, Mr. Amit Gupta, for defendant no. 4 along with Mr. Gaurav Sharma, husband of Ms. Megha Syngal, proprietor of defendant no. 4, for the Respondent

Final Decision : Disposed Off

Judgement

G.S. Sistani

1. Plaintiff has filed the present suit for permanent injunction for restraining defendants from infringing its trade mark and damages. Mr. Abhinandan Jain, defendant no. 3, husband of Ms. Anshu Jain, defendant no. 2, proprietor of defendant no. 1, appears on behalf of defendants no. 1-2 and himself. Mr. Gaurav Sharma, husband of Ms. Megha Syngal, proprietor of Khaddii Hatt, defendant no. 4, is present in Court on behalf of defendant no. 4.

2. It is submitted that parties are open for an amicable settlement. Ms. Natasha Thakur, Advocate, who is present in Court, is appointed as a Mediator. Matter was passed over once.

3. At the second call, learned counsel for the parties submit that parties have arrived at an amicable settlement and as per the settlement defendants have no objection if the present suit is decreed in terms of prayer clause of the plaint,

subject to the condition that plaintiff gives up relief for damages in the sum of Rs. 20.00 lakhs except nominal damages in the sum of Rs. 50,000/-. Counsel for the plaintiff has no objection.

4. Accordingly, suit is decreed in terms of prayer clause. Plaintiff gives up relief for damages, however, as agreed, defendant no. 3 shall pay a sum of Rs. 50,000/- to the plaintiff within six weeks from today.

5. Court appreciates the efforts put in by the parties their respective counsel and the Mediator. In view of the fact that this matter has been settled through mediation, plaintiff is entitled to refund of Court Fee u/s 16 of the Court Fee Act. Accordingly, Registry is directed to refund the Court Fee to the plaintiff. As token of acceptance, parties shall append their signatures on the Order Sheet.