

(2023) 04 DEL CK 0174

In the Delhi High Court

Case No : Civil Suit (COMM) No. 57 Of 2023, I.A. No. 2032, 6909 Of 2023

Punjab Kesari Publishing House Pvt Ltd & Anr

APPELLANT

Vs

Ajit Singh Buland & Ors.

RESPONDENT

Date of Decision : 28-04-2023

Acts Referred:

Citation : (2023) 04 DEL CK 0174

Hon'ble Judges : C.Hari Shankar, J

Bench : Single Bench

Advocate : Swapnil Gupta, Sadiq Noor, Ekansh Mishra

Judgement

C.Hari Shankar, J

1. The dispute between the parties stands settled in terms of settlement agreement dated 2nd March 2023 which has been placed on record. The terms of settlement read thus:

"1. That the Third Party will not use the trademark 'Punjab Kesari', 'Punjab Kesari TV' and 'Kesari TV' or any other deceptively similar trademark/ wordmark and acknowledges that the aforesaid marks are the property of the First and Second Party.

2. That the Third Party will transfer the domain name www.kesaritv.com to the First Party and the Second Party for a total consideration of INR 5,000 /- (Rupees Five Thousand Only) vide Draft No. 064718 dated 2nd March 2023 on HDFC Bank, G.T. Road, Jalandhar.

3. That thereafter, the First Party and the Second Party and Third Party would obtain a consent decree from the Hon'ble Delhi High Court in the Trademark Suit allowing the prayer of injunction in the suit and waiving all claims against each other.

4 . That the Third Party undertakes not to use the mark 'Punjab Kesari', 'Punjab Kesari TV' and 'Kesari TV' or any other deceptively similar trademark/ wordmark

in future.

5. In view hereof, Third Party shall be released from all claims for damages.”

2. The “first”, “second” and “third” parties are M/s Punjab Kesari Publishing House Pvt. Ltd., M/s The Hind Samachar Ltd. and Mr. Ajit Singh Buland respectively.

3. The parties are represented by Mr. Swapnil Gupta and Mr. Ekansh Mishra, learned Counsel. They undertake on behalf of their respective clients to remain bound by the terms of settlement.

4. The Court has perused the terms of settlement and find them to be legal, regular and in order.

5. As such nothing survives for consideration in the present suit. The suit accordingly stands decreed in terms of the aforesaid settlement agreement dated 2nd March 2023 and the terms of settlement contained therein.

6. Let a decree sheet be drawn up by the Registry.

7. The plaintiffs would be entitled to refund of the court fees, if any, deposited by them.

8. Miscellaneous applications are also stand disposed of.