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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 111/2023 & I.A. 4147/2023, I.A. 4149/2023, I.A. 14323/2023, I.A. 14815/2023, I.A. 49647/2024, I.A. 49648/2024

ARCHIAN FOODS PRIVATE LIMITEDPlaintiff

Through: Mr. Nikhil Sonker, Mr. Lakshay
Gunawat, Advocates
(M:9958250082)

versus

SWAMI FOODS & ORS.Defendants

Through: Mr. Akshay Bhatia, Advocate for D-
2, 3 & 4

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
23.12.2024

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I.A. 49647/2024 (Application under Order XXIII Rule 3 read with Section 151 of CPC)

1. The present application has been filed under Order XXIII Rule 3 read with Section 151 of Code of Civil Procedure, 1908 ("CPC") on behalf of the plaintiff and defendant nos. 2 and 3.
2. It is submitted that during the pendency of the present suit, the plaintiff and defendant nos. 2 and 3 have jointly agreed to amicably settle their disputes which are the subject matter of the present suit.
3. Learned counsels for the plaintiff and defendant nos. 2 and 3 confirm the terms of the settlement, and submit that the suit be decree *qua* defendant nos. 2 and 3, in terms of settlement between the parties.



4. This Court has perused the terms of the settlement which are produced in Paragraph 4 of the present application. This Court finds the same to be lawful.

5. As per the settlement between the parties, defendant nos. 2 and 3 have acknowledged that the plaintiff is the registered proprietor of *inter-alia* various trademarks/labels. Further, defendant nos. 2 and 3 also acknowledge and recognize that the plaintiff is the owner of the copyright in the



labels/artwork / under the Copyright Act, 1957 and that the plaintiff is also the registered Copyright



owner of the label bearing no. A-146655/2023.

6. Accordingly, the suit is decreed in favour of the plaintiff and against defendant nos. 2 and 3, in terms of the settlement between the parties as contained in Paragraph 4 of the present application, which shall form part of the decree, and in terms of Paragraph 80 (a) to (d) of the plaint.

7. The parties shall be bound by the terms of the Settlement.

8. Decree sheet be drawn up.

9. With the aforesaid directions, the present application is disposed of.

I.A. 14323/2023 (Application under Order I Rule 10 read with Section 151 CPC)

10. The present is an application under Order I Rule 10 read with Section 151 CPC for impleadment of proposed defendant no.4.



11. Learned counsel for defendant no.4 submits that he has no objection if defendant no.4 is impleaded in the present suit.

12. Accordingly, with the consent of the parties, defendant no.4 is impleaded in the present suit.

13. Let amended memo of parties be filed within a period of two weeks from today.

14. With the aforesaid directions, the present application is disposed of.

I.A. 49648/2024 (Application under Order XXIII Rule III read with Section 151 CPC)

15. The present application has been filed under Order XXIII Rule III read with Section 151 of CPC on behalf of the plaintiff and defendant no.4.

16. It is submitted that during the pendency of the present suit, plaintiff and defendant no.4 have jointly agreed to amicably settle their disputes, which are subject matter of the present suit.

17. Learned counsel for the plaintiff and defendant no.4 jointly confirm the terms of the settlement and submit that the suit be decreed in terms thereof.

18. This Court has perused the terms of the settlement which are contained in Paragraph 3 of the present application and finds the same to be lawful.

19. Accordingly, the suit is decreed in favour of the plaintiff and against defendant no.4 in terms of settlement between the parties, terms of which are contained in Paragraph 3 of the application, which shall form part of the decree and in terms of Paragraph 80 (a) to (d) of the plaint.

20. The parties shall be bound by the terms of the Settlement.

21. Decree sheet be drawn up.



22. With the aforesaid directions, the present application is disposed of.

I.A. 14815/2023 (Application under Order XI Rule 1(1) (c) (ii) read with Section 151 CPC)

23. In view of the orders passed today, the present application has become infructuous.

24. Noting the aforesaid, the present application is disposed of.

CS(COMM) 111/2023

25. Re-notify on 12th March, 2025.

MINI PUSHKARNA, J

DECEMBER 23, 2024

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