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

+ **CS(COMM) 271/2018**

SOCIETE DES PRODUITS NESTLE,S.A & ANR Plaintiffs

Through: Mr. Manish Kumar Mishra, Mr.
Akansha Singh and Ms. Saloni Kas

versus

MOHD ZAHID AND SONS & ORS Defendants

Through: Mr. Rahul Sagar Sahay, Advocate for
defendant no. 128.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
% **06.05.2024**

I.A. 10066/2024 (for compliance of order dated 17th January, 2018)

1. This application has been filed on behalf of defendant no. 128 to place the undertaking on record in order to settle the dispute with the plaintiff. He stated that defendant no. 128 runs a small shop in Ghaziabad, Uttar Pradesh and does not sell any coffee related products.
2. On the day of 28th March, 2019, a customer brought back one packet of 200 gm coffee which was sold to him, which he decided to keep for personal use.
3. Pursuant to Court's order dated 17th January, 2018, only one packet was found.
4. On 17th January, 2018, this Court accepted the apology of similarly situated defendants, subject to the filing an affidavit of a sum of Rs 6,000/- each



as damages.

5. Defendant no. 128 is accordingly willing to undertake the same and pay an amount of Rs. 6000/- as damages.

6. Counsel for the plaintiff has no objection to the said application being allowed.

7. Accordingly, the undertaking is taken on record, same is in terms of para 40(a) to (c) of the plaint.

8. Mr. Rahul Sagar Sahay, Advocate appears on behalf of defendant no. 128 through VC and, on instructions, confirms the same.

9. Accordingly, the suit is decreed *qua* defendant no. 128 in terms prayer sought in para 40(a) to (c) of the plaint.

10. Sum of Rs. 6000/- be paid to the Delhi High Court Lawyers Welfare Fund within a period of four weeks from today.

11. The date of 16th May, 2024, stands cancelled.

12. Application is disposed of.

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1. List on 16th August, 2024.

2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 6, 2024/RK/sc