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

+ CS(COMM) 479/2021

Through: Mr.Shantanu Sahay & Ms.Vareesha

Irfan, Advs.

versus

THE ORIGIN VENTURES & ORS......Defendants
Through: Ms. Shambhavi, Adv.

**CORAM:** 

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

**%** 02.04.2025

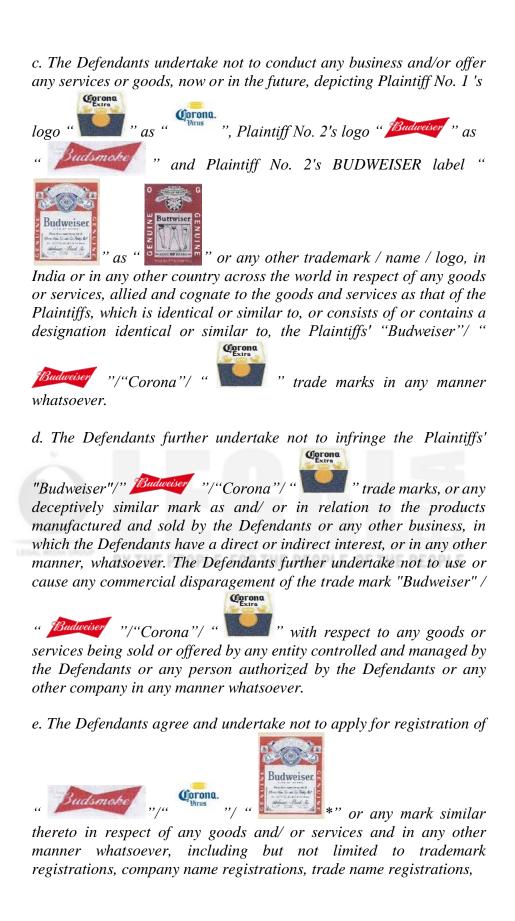
# I.A. 8152/2025-(Application filed under Order XXIII Rule 3 read with Section 151 of the CPC)

1. This is a joint application under *Order XXIII Rule 3* of the Code of the Civil Procedure, 1908 (**CPC**), filed on behalf of the plaintiffs and the defendants, seeking a consent decree based on the terms of settlement as mentioned in paragraph 1(a) to 1(g) of the present application, contents whereof are reproduced as under:-

"a. The Defendants acknowledge all rights, title, interest and goodwill

in the trade marks "Budweiser" / "Budweiser" / "Corona" /" and all marks, including variants thereof, in present or in future, belong exclusively to the Plaintiffs.

b. The Defendants acknowledge that Defendants have violated the statutory and common law rights vested in Plaintiffs' "Budweiser" / "Corona" marks, by their infringing and disparaging acts.



social media accounts and domain name registrations.

- f. The Defendants agree and undertake that they have ceased manufacturing, using, selling, exporting, importing, offering for sale, distributing, advertising, directly or indirectly, dealing and removed all the infringing the products, services, packaging, labels which formed the subject matter of the present suit bearing CS(Comm) 479 of 2021.
- g. The Defendants agree and undertake to pay INR 3,50,000 (Rupees Three Lakhs and Fifty Thousand only) to the Plaintiffs towards damages and legal costs incurred by the Plaintiffs and the demand draft for the same shall be duly handed over to the Counsels for the Plaintiffs in Court at the time of disposal of the Application in full and final settlement of all claims and liabilities pertaining to the present suit."
- 2. The present application is duly supported by affidavits of the authorised representatives of the plaintiff and the defendant.
- 3. Learned counsel for the defendants has handed over a Demand Draft bearing No. 413363 dated 26.03.2025 drawn on Indian Overseas Bank, New Delhi of Rs.3,50,000/-in favour of A B Inbev India Ltd. ABI, in compliance of one of the terms mentioned in paragraph 1(g) of the present application. Learned counsel for the plaintiff confirms that the same is in consonance thereof.
- 4. Learned counsel for the parties confirm the terms of the settlement and identify the signatures of their respective clients, and pray that the suit be decreed in the aforesaid terms as mentioned in paragraph1(a) to 1(g) of the present application.
- 5. This Court has perused the terms of settlement as recorded *inter-se* the plaintiffs and the defendants, and finds them to be lawful.
- 6. In view thereof, the present application is allowed and disposed of.

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7. The learned counsel appearing for the plaintiffs, in view of the

settlement entered inter-se the plaintiffs and the defendants, submits that

since the dispute inter-se them have been settled, he would not press for

the other applications and, thus, prays that the present suit be decreed in

the terms of aforesaid settlement, as mentioned in paragraph 1(a) to 1(g) of

the aforesaid application.

8. Accordingly, the present suit is decreed in terms of the settlement as

recorded hereinabove in paragraph 1(a) to 1(g) of the application bearing

no. I.A. 8152/2025.

9. The plaintiffs and the defendants shall remain bound by the terms of

settlement as recorded hereinabove in paragraph 1(a) to 1(g) of the

aforesaid application.

10. Registry is directed to draw up Decree sheet accordingly.

11. Needless to mention, the aforesaid terms as mentioned in paragraph

1(a) to 1(g) of I.A. 8152/2025, shall form a part of the Decree Sheet.

12. Accordingly, in view of the above, the present suit, alongwith the

pending application stands disposed of.

SAURABH BANERJEE, J.

**APRIL 2, 2025/R**