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

+ **CS(OS) 3073/2011**

MICROSOFT CORPORATION & ORS Plaintiffs

Through: **Ms. Safia Said, Advocate.**

versus

RAMESH PATEL & ANR Defendants

Through: **Defendant No.1 in person.**
Mr. Kamal H.Patel, on behalf of the
defendant No.2.

CORAM:

HON'BLE MS. JUSTICE REVA KHETRAPAL

ORDER

% **10.01.2012**

IA No. 455/2012 (under Order XXIII Rule 3 read with Section 151 of the CPC)

This is a joint application filed by the plaintiff and the defendant under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure for recording of the terms of settlement arrived at between the parties. The application is signed by the constituted attorney of the plaintiffs No.1 to 4 and by the defendant No.1 – Mr. Ramesh Patel and authorised signatory of the defendant No.2 – Mr. Kamal H.Patel, who are present in court. The application is also supported by their respective affidavits.

The terms of settlement are set-out in paragraphs 2(a) to 2(k) of the application, which is exhibited as Exhibit P-1. The counsel for the plaintiffs, on instructions from the plaintiffs, and the defendant No.1 and the authorised

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signatory of the defendant No.2 – Mr. Kamal H.Patel, who are present in court today, state that the parties undertake to abide by the terms of the settlement as incorporated in Exhibit P-1. Their undertakings are accepted by this Court and taken on record. The parties shall remain bound by their respective undertakings as set out in Exhibit P-1 and reaffirmed in court today.

Pursuant to the settlement agreement, the defendants have handed over to the counsel for the plaintiffs two demand drafts bearing Nos. 207259 and 207260 in the sum of Rs. 9,00,000/- and 2,00,000/- respectively, both dated 05.01.2012 and drawn on Bank of Baroda, Navrangpura Branch, Ahmedabad-380014, in full and final settlement of the claims of the plaintiffs. The counsel for the plaintiffs has received the same and states that the plaintiffs have no objection if the computer systems containing unlicensed software of the plaintiffs taken into custody by the Local Commissioner appointed by the Court is released back to the defendants. It is ordered accordingly.

In view of the above, the suit is decreed in terms of the settlement agreement arrived at between the parties as set out in Exhibit P-1. Registry shall draw-up a decree-sheet incorporating the contents of Exhibit P-1.

CS(OS) No. 3073/2011, IA Nos. 19659-60 and the present application stand disposed of, as compromised.


REVA KHETRAPAL, J.

JANUARY 10, 2012
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