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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 263/2011 & IAs No.1726 & 6118/2011

CHIVAS HOLDINGS (IP) LIMITED & ORS. Plaintiffs

Through: Mr. Hemant Singh, Ms.Mamta Jha,
Mr.Gautam Kumar, Mr.Waseem Shuaib Ahmed
and Mr.K.K.Nangia, Advocates

versus

SHIVA DISTILLERIES LTD.

Defendant

Through: Mr. Karan Bajan and
Ms.Archana Sahadeva, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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14.05.2015

I.A. 10242/2015 (joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that they have arrived at an out of court negotiated settlement.
2. The terms and conditions of the settlement have been set out in paras 2 to 8 of the application whereunder, the defendant has given a series of undertakings to the plaintiffs, as recorded in paras 2 to 7 of the application and in view of the said undertakings, the plaintiffs have agreed not to press for the relief of damages claimed in the present suit. Counsels for the parties state that they shall remain bound by the obligations undertaken by them and recorded in the compromise application and request that the suit be decreed in terms of para 56(i) & (ii) of the plaint, while leaving the parties to bear their own costs.

3. The court has perused the present application. The same has been signed by the Director of the plaintiff No.1/company and the plaintiff No.2/ company and the authorized representative of the plaintiff No.3/company and the constituted attorney of the defendant. The application is supported by the affidavits of the signatories to the application. The application has also been signed by the counsels for the parties.

4. As the counsels for the plaintiff and the defendant jointly state that they have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the settlement. The parties shall remain bound by the terms and conditions of the settlement. The terms and conditions contained in the application shall form a part of the decree.

5. The suit is decreed in terms of the settlement arrived at and recorded in the application, while leaving the parties to bear their own expenses.

File be consigned to the record room.

HIMA KOHLI, J

MAY 14, 2015
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