

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

+ CS(OS) 183/2015 & IAs No.1395-96/2015

Decided on : 21.01.2015

IN THE MATTER OF:

GULZAR IMPEX PVT LTD & ANR Plaintiffs

Through : Mr. Shahid Azad with
Md. Aslam, Advocates

versus

MEDIDERMA,S.L. & ANR Defendants

Through : None.

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The present suit has been instituted by the plaintiffs praying *inter alia* for a decree of declaration against the defendants No.1 & 2 by declaring the Termination of Distribution Agreement dated 29.12.2014 as null and void and further, for a decree of permanent and mandatory injunction against the defendants No.1 & 2 companies, both situated in Spain.

2. At the outset, learned counsel for the plaintiffs has been requested to address arguments on the maintainability of the present suit in this Court in view of the stipulations contained in Article 16 of the

Distribution Agreement dated 23.11.2012 executed by the plaintiffs and the defendant No.1, which is reproduced as below :

"ARTICLE 16 – APPLICABLE LAW AND RESOLUTION OF DISPUTE

This Agreement shall be governed by and construed in accordance with the laws of Spain without regard to the conflicts of law provisions thereto. Each party irrevocably consents to the exclusive jurisdiction of the Spanish courts for all issues arising under or in connection with this Agreement."

3. After addressing arguments for some time, learned counsel for the plaintiffs seeks leave to withdraw the present suit, while reserving the right of his clients to approach the competent court vested with the jurisdiction to entertain the disputes raised in the present suit.

4. Leave, as prayed for, is granted. The suit is dismissed as withdrawn, along with the pending applications.

JANUARY 21, 2015
sk/mk

(HIMA KOHLI)
JUDGE