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

+ CS(OS) 576/2012 & IAs No.4330/2012 and 12602/2012

MICROSOFT CORPORATION & ANR Plaintiffs
Through : Ms. Kruttika Vijay, Advocate

versus

MAHESH K SHIVAKANTH & ORS Defendants
Through : Mr. Anuj Malhotra, Advocate with
Mr. Sachidanand, Sr. General Manager
in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **06.11.2015**

I.A. 23664/2015 (joint application u/O XXIII R 3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the present proceedings, they have arrived at an out of court settlement.

2. Counsels for the parties state that in terms of the settlement arrived at between the parties, the defendants have acknowledged the plaintiffs to be the owners/proprietors of all the intellectual property rights in certain software programmes and admitted to the fact that they had infringed the same. Further, they have given certain undertakings to the plaintiffs and have purchased 12 software programmes of the plaintiffs on payment of licence fees. The remaining terms and conditions of the settlement are recorded in

paras 5 to 7 of the application. In lieu of the undertakings given by the defendants, the plaintiffs have agreed to forego their claim of damages, delivery up and rendition of accounts against the defendants and agreed to withdraw the contempt case filed against them.

3. Counsels for the parties state that in terms of the settlement arrived at between the parties, the suit may be decreed.

4. The Court has pursued the present application. The same has been signed by the constituted attorney of the plaintiffs and the authorized signatory of the defendants No.2 & 3 and their respective counsels. The application is supported by the affidavits of the signatories to the application. The letter of authority executed in favour of Mr. Sachidanand, Sr. General Manager of Corporate Affairs Department of the defendant No.2 is handed over by the counsel for the defendants and is taken on record.

5. As counsels for the plaintiff and the defendants jointly state that their clients 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 recorded in the application.

6. The suit is decreed in terms of the settlement arrived at and

recorded in the application, while leaving the parties to bear their own costs. Decree sheet be drawn accordingly.

7. The suit is disposed of, along with the pending applications.
8. File be consigned to the record room.

NOVEMBER 06, 2015

sk/ap

HIMA KOHLI, J