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

+ CS(OS) 1311/2012 & IA No.8787/2012

MICROSOFT CORPORATION & ANR Plaintiffs
Through : Ms. Shriya, Advocate

versus

RAJESH DIVAKARAN & ANR Defendants
Through : Mr. N. Mahabir, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **03.11.2015**

1. Pursuant to the parties being referred to the Delhi High Court Mediation and Conciliation Centre, a Settlement Agreement dated 31.08.2015 has been placed on record.
2. Counsels for the parties state that the terms and conditions of the settlement have been set out in para 6 of the Settlement Agreement, wherein the defendants have acknowledged the plaintiffs to be the owner of the copyright in the computer programmes developed and marketed by them and have undertaken that they will only use the licensed software as per their current and future requirements. The defendants have also purchased the software programmes from the plaintiffs. The defendants have also given other undertakings to the plaintiffs and in lieu of the said undertakings, the plaintiffs have agreed to give up the reliefs at prayer clause 27 (ii) to (v) of the plaint.

3. Counsels for the parties jointly state that in view of the settlement arrived at between the parties, the suit may be decreed.
4. The Court has perused the Settlement Agreement dated 31.8.2015. The same has been signed by the constituted attorney of the plaintiff and the authorized signatory of the defendants and their respective counsels as also by the learned Mediator. Enclosed with the Settlement Agreement are the documents executed by the plaintiffs company and the defendants in favour of the signatories, authorizing them to execute the Settlement Agreement.
5. As the counsels for the plaintiffs and the defendants 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 Settlement Agreement is taken on record and the parties shall remain bound by the terms and conditions of the said settlement.
6. The suit is decreed in terms of the Settlement Agreement dated 31.8.2015. Decree sheet be drawn accordingly.
7. The suit is disposed of, along with the pending application.
8. File be consigned to the record room.