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

+ CS(OS) 1435/2012

DISNEY ENTERPRISES INC & ANR Plaintiffs
Through : Mr. Shivam Sharma, Advocate

versus

SWAPNIL JAIN & ORS Defendants
Through : Mr. Rahul Gupta, Advocate
for D-1, 2 & 4.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
03.08.2015

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I.A. No.15674/2015 (joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that during the pendency of the suit proceedings, they have arrived at an out of court negotiated settlement.
2. The terms and conditions of the settlement have been recorded in para 2 of the application, whereunder the defendants have given a series of undertakings to the plaintiffs and acknowledged the plaintiffs to be the exclusive owner/holder of all rights in characters, character names, trademarks and copyrights, etc., subject matter of the suit. The defendants have further agreed to pay a sum of ₹6.00 lacs to the plaintiffs as token legal costs.

3. Counsel for the defendants states that he has brought a draft for the aforesaid amount, which is handed over to the counsel for the plaintiffs. The defendants have agreed to remain bound to the undertakings given in the present application and in lieu thereof, the plaintiff has agreed to give up the reliefs in para 25 (b), (c) & (d) of the plaint.

4. Counsels for the parties jointly state that the suit may be decreed in terms of the settlement recorded in the present application.

5. The Court has perused the present application. The same has been signed by the plaintiffs No.1 & 2 through the constituted attorney and by defendant No.1, proprietor of the defendant No.2, as also by their respective counsels. The application is supported by the affidavits of the signatories to the application.

6. 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 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.

7. The suit is decreed in terms of the settlement arrived at and recorded in the application and the reliefs prayed for in para 25(a), (i), (ii) & (iii) of the plaint, while leaving the parties to bear their own expenses.

8. The suit is disposed of.

9. File be consigned to the record room.

AUGUST 03, 2015

sk/mk

HIMA KOHLI, J