

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

+ CS(OS) 971/2009 and IAs No.7039-40/2009 and 7042/2009
 ADOBE SYSTEMS INCORPORATED & ANR. Plaintiffs
 Through : Ms. Aarshia Behl, Advocate

versus

MR. DHARIWAL AND ORS. Defendants
 Through : Mr. Vivek Narayan, Advocate
 for D-1 and 3 to 5.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **07.07.2015**

I.A. NO.13250/2015 (by the plaintiff u/O I R-10 CPC)

1. The present application has been filed by the plaintiffs seeking permission to delete the name of defendant No.2 from the array of defendants.
2. Counsel for the plaintiffs states that the defendant No.2 is no longer employed with the defendant No.3/company and therefore permission is sought to delete the said defendant from the array of defendants.
3. Counsels for both the parties jointly state that in any case, they have now arrived at a negotiated settlement and have filed an application under Order XXIII Rule 3 CPC.
4. Notice. Counsel for the defendants No.1 and 3 to 5 accepts notice and confirms the fact that the defendant No.2 has left the

services of the defendant No.3/company and the remaining defendants have no objection to the deletion of the name of the said defendant from the array of defendants.

5. In view of the submission made by the counsel for the defendants, the present application is allowed and the name of the defendant No.2 is deleted from the array of defendants. The amended memo of parties enclosed with the application is taken on record. The same shall be placed in part-I file.

6. The application is disposed of.

I.A.No.13251/2015 (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 in terms of the said undertakings, the plaintiffs have agreed that they shall not press for the relief in prayer clause 35 (b) to (e) of the plaint.

3. Counsels for the parties jointly state that the suit may be decreed in terms of the settlement recorded in the present application and prayer clause 35(a) of the plaint.

4. The court has perused the present application. The same has been signed by the constituted attorney of the plaintiffs and the authorized signatories of the defendants No.3 to 5 and their respective counsels. The application is supported by the affidavits of the signatories to the application. Enclosed with the application is a true copy of the resolution of the Board of Directors of the defendants No.3 to 5 authorizing the signatory of the application to sign and submit the same.

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 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.

6. The suit is decreed in terms of the settlement arrived at and recorded in para 2 of the application and prayer clause 35(a) of the plaint, while leaving the parties to bear their own expenses.

7. The application is allowed and the suit is disposed of, along with the pending applications.

8. The date fixed in the suit, i.e., 3.8.2015 stands cancelled.
9. File be consigned to the record room.

JULY 07, 2015
sk/ap

HIMA KOHLI, J