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

+ CS(OS) 1416/2007

M/S KIRORIMAL KASHIRAM MARKETING AND
AGENCIES PVT. LTD. Plaintiff

Through: Mr. Pankaj Kumar, Advocate

versus

M/S SACHDEVA & SONS INDUSTRIES PVT. LTD. Defendant
Through: Mr. Manu Bansal, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
14.05.2015

I.A. 10185/2015 (joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that they have arrived at an out of court negotiated settlement.
2. The terms and conditions of the settlement have been set out in para 2 of the application whereunder, the defendant has given a series of undertakings to the plaintiff and expressed its readiness and willingness to suffer a decree in terms of para 30(a)(i), (ii) & (iii) of the plaint. In view of the aforesaid undertakings given by the defendant to the plaintiff and recorded in the application, the plaintiff has agreed to give up the reliefs, as prayed for in para 30(b) to (e) of

the plaint. Counsels for the parties state that they shall remain bound by the obligations undertaken by them and recorded in the compromise application and request that the suit be decreed in terms thereof.

4. The court has perused the present application. The same has been signed by the Director of the plaintiff/company and the authorised signatory of the defendant/company. It is stated that the parties have filed their respective Board Resolutions, authorizing the representatives of the plaintiff and the defendant to sign the present application. The application is supported by the affidavits of the signatories to the application. The application has also been signed by the counsels for the parties.

5. As the counsels for the plaintiff and the defendant 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 the application, while leaving the parties to bear their own expenses.

File be consigned to the record room.

MAY 14, 2015
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HIMA KOHLI, J