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

+ CS(OS) 1667/2013

LOUIS VUITTON MALLETIER Plaintiff
Through : Mr. Dhruv Anand, Advocate

versus

XQZIT SOTRE Defendant
Through : Mr. Ajay Kumar Aggarwal, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
14.05.2015

I.A. No.10152/2015 (joint application u/O XXIII R-3 CPC)

1. The present application has been filed by the parties stating *inter alia* that they have arrived at an out of court settlement during the pendency of the present proceedings. The terms and conditions of the settlement are set out in para 2 of the application, whereunder the defendant has given a series of undertakings to the plaintiff.

2. It is stated that in terms of the settlement arrived at between the parties, the defendant has undertaken to pay a sum of Rs.90,000/- to the plaintiff towards damages and part litigation costs. Counsel for the plaintiff states that the aforesaid amount has been received from the defendant and in terms of the undertakings given by

the defendant, the plaintiff has agreed to forego the reliefs prayed at prayers (e), (f) & (g) of the plaint.

3. Counsels for both the parties state that the suit may be decreed, in view of the settlement arrived at between the parties and recorded in the present application.

4. The court has perused the application. The same has been signed by the constituted attorney of the plaintiff and their counsel as also by the proprietor of the defendant No.1 and their counsel. The application is supported by the affidavits of the signatories to the application.

5. As counsels for the plaintiff and the defendant 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.

7. Liberty is granted to the plaintiff to remit the sum of Rs.90,000/- received from the defendant towards damages/part litigation costs to the plaintiff, as may be permissible in law.
8. The suit is disposed of. File be consigned to the record room.

MAY 14, 2015
sk/mk

HIMA KOHLI, J