

35.

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

+ **CS(OS) 1563/2015 & IA No.11361/2015**

Decided on 02.09.2015

IN THE MATTER OF:

MICROSOFT CORPORATION & ORS Plaintiffs
Through : Mr. Ravin Galgotia, Advocate

versus

SATISH PARAKH & ORS Defendants
Through : Ms. Ankita Jain, Advocate
for D-1 & 2.

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (Oral)

I.A.No. 18328/2015 (joint application u/O XXIII R 3 CPC)

1. At the outset, counsel for the plaintiffs states, on instructions, that he may be permitted to withdraw the suit against defendants No.3 to 10 and confine the same to the defendants No.1 & 2. Ordered accordingly.

2. The present application has been jointly filed by the parties stating *inter alia* that during the pendency of the suit, they have arrived at an out of court negotiated settlement. The terms and conditions of the settlement arrived at between the plaintiff and the defendants No.1 & 2 have been set out in paras 1 to 6 of the

application, whereunder the defendants No.1 & 2 have acknowledged that the plaintiffs are the owners/proprietors of all intellectual property rights in various software programmes developed by them. The defendants have also undertaken to pay a sum of Rs.11.00 lacs to the plaintiffs towards litigation expenses. Learned counsel for the defendants hands over a cheque bearing No.93622322 dated 4.8.2015 drawn on AXIS Bank, Sir M.P. Road, Mumbai in favour of the counsel for the plaintiff in the sum of Rs.11.00 lacs, which has been duly accepted by the other side. The defendants No.1 & 2 have also given some undertakings to the plaintiff as recorded in para 6 of the application and in lieu of the said undertakings, the plaintiffs have agreed to forego the claim of rendition of accounts against the defendants in terms of the prayers made in para 57(a) & (b) of the plaint.

3. Counsels for the parties state that the suit may be decreed in terms of the settlement.

4. The Court has perused the present application. The same has been signed by the constituted attorneys/authorised signatories of the plaintiff and the defendants No.1 & 2 and their respective counsels. The application is supported by the affidavits of the signatories to the application.

5. As counsels for the parties 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 said settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the present application.

6. The suit is decreed in terms of the settlement recorded in the application, while leaving the parties to bear their own expenses. Decree Sheet be drawn accordingly.

7. The suit is disposed of along with the pending application.

8. File be consigned to the record room.

SEPTEMBER 02, 2015

sk/ap

(HIMA KOHLI)
JUDGE