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

+ CS(OS) 1729/2015 & IA No.12153/2015

SIEMENS PRODUCT LIFECYCLE MANAGEMENT SOFTWARE INC &
ANR Plaintiff

Through : Mr. Amlan S. Roy, Advocate

versus

SANJAY GUPTA & ORS Defendants

Through : Mr. Vipin Tyagi, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **28.10.2015**

IA No.22692/2015 (joint application u/O XXIII R-3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the suit, they have arrived at an out of court settlement.

2. The terms and conditions of the settlement have been set out in para 2 of the application, whereunder the defendants have acknowledged the plaintiffs to be the owners of the copyright in the software programmes developed and marketed by them and they have agreed to purchase two software licenses from the plaintiffs. In view of the settlement arrived at between the parties, the plaintiffs have agreed that they have no objection if the computer systems taken into custody by the Local Commissioner during the execution proceedings,

are released in favour of the defendants. Counsels for the parties state that the suit may be decreed in terms of the settlement recorded in the application and prayer (A) of the plaint.

3. The Court has pursued the present application. The same has been signed by the authorized/constituted attorneys of the plaintiffs and the defendants and their respective counsels. The application is supported by the affidavits of the signatories to the application.

4. As counsels for the plaintiffs and the defendants 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 settlement is taken on record. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.

5. The defendants shall be at liberty to use the computer systems that were sealed by Local Commissioner. However, before using the same, they shall delete the unlicensed software programmes installed in the said computer systems.

6. The suit is decreed in terms of the settlement arrived at and recorded in the application and in terms of prayer (A) of the plaint, while leaving the parties to bear their own costs.

7. The suit is disposed of, along with the pending application.
8. The date already fixed in the case, i.e., 1.12.2015, stands cancelled.
9. File be consigned to the record room.

OCTOBER 28, 2015
sk/ap

HIMA KOHLI, J