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

+ **CS(OS) 878/2013**

**M/S NCUBE PLANNING AND DESIGN PVT
LTD**

..... Plaintiff

Through: Mr. Tejasvi Kumar Srivastava, Adv.
with Mr. Rajesh Tickoo, AR/Financial
Controller of the plaintiff company.

versus

TELSTRA INDIA PVT LTD

..... Defendant

Through: Mr. N. Ganpathy and Mr. Manpreet
Lamba, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.05.2016

IA 5521/2016

1. This is a joint application filed by the parties under Order XXIII Rule 1 and 3 of the Code of Civil Procedure, 1908 for recording the consent terms between the parties with the following prayers:

*“(a) to record the terms and conditions set out hereinabove and decree the suit in terms thereof;
(b) both parties to bear their respective costs; and
(c) such other or further order(s) may also be passed as may be deemed just and expedient in the interest of justice.”*

2. The application has been signed for and on behalf of the plaintiff and for and on behalf of the defendant and their Counsels. The application is

accompanied by the affidavit of the Financial Controller and authorized representative of the plaintiff company and the Director and authorized representative of the defendant company.

3. The terms of settlement are averred in Para 3(a) to 3(c) of the application. Learned counsel for the defendant states that in terms of Para 3(a) to 3(c) of the application, he has handed over a pay order for Rs.63,41,344/- to Mr. Rajesh Tickoo, AR/Financial Controller of the plaintiff company, who is present in Court.

4. It is also averred in the application that on receipt of the settlement amount, the plaintiff releases and discharges the defendant from any and all claims, actions, suits, demands, liabilities, judgements and proceedings both under law and equity arising in respect to the Suit or in relation to the Project and the plaintiff shall have no further claim, dispute or demand and/or any entitlement whatsoever against the defendant, its related entities and/or its employees upon receipt of the Settlement Amount.

5. The undertaking of the plaintiff through Mr. Rajesh Tickoo, AR/Financial Controller of the plaintiff company is taken on record.

6. In terms of Para 7 of the application, wherein the plaintiff has averred that it intends to withdraw the instant Suit, the Suit being CS(OS) 878/2013

is dismissed as withdrawn.

7. Accordingly, the application is disposed of.

IA 16876/2014

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 11, 2016

jg