

\$~8.

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

+ **CS(OS) 1242/2014**

PENGUIN BOOKS INDIA PVT LTD & ANR Plaintiffs
Through: Ms. Shruti Baid, Advocate with
Ms. Julien George and Mr. Shivam Sharma, Advs.

versus

VINOD KUMAR JAIN & ORS Defendants
Through: Mr. Sunil Dalal, Advocate with
Mr. Abhishek Ghai, Advocate for D-1 and D-2.
Mr. Vivek Dhokla, Advocate for D-3 and D-4.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **09.09.2016**

I.A. 11247/2016 (joint application u/O XXIII R 3 CPC)

1. The present application has been jointly filed by the parties stating *inter alia* that during the pendency of the suit proceedings, they have been able to arrive 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 defendants No.3 and 4 have undertaken that pursuant to the order dated 16.07.2012 passed in OMP 626/2012, they have not published or sold any copy of the work titled, "I Too Had a Love Story" nor have they otherwise interfered with the exploitation thereof. All the defendants have undertaken that they shall not print, publish, communicate, offer for sale etc. the subject work and have agreed to destroy in the

presence of the representative of the plaintiffs all the copies of the said work, which are in their possession. In lieu of the undertakings given by the defendants, the plaintiffs have agreed not to press for the relief of rendition of accounts, delivery up, damages and costs as per prayer clause 15(b) to (e) and nor do the defendants wish to press for the relief of special costs in terms of the prayer made in their written statements.

3. The Court has pursued the present application. The same has been signed by the authorized representatives of the plaintiffs No.1 and 2, as also by the defendant No.1 for self and as proprietor of the defendant No.2/firm, and the defendant No.3 for self and as proprietor of the defendant No.4. The application is duly supported by the affidavits of the signatories to the application.

4. 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 settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.

5. The suit is decreed in terms of the settlement recorded in the present application, while leaving the parties to bear their own costs. Decree sheet be drawn accordingly.

6. The suit is disposed of alongwith the pending application.

7. File be consigned to the record room.

HIMA KOHLI, J

SEPTEMBER 09, 2016

rkb/ap