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

+ **FAO(OS) (COMM) 20/2016 & CM Nos.14192, 14195/2016**

WESTERN DIGITAL TECHNOLOGIES INC & ANR

..... Appellant

Through: Mr. Vishnu Rele, Adv.

versus

AMIT TANNA AND ORS

..... Respondent

Through: Neil Hilareth, Mr. Rony O.
 John and Ms. Pratibha
 Sridhar, Advs.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **23.05.2016**

CM No.19981/2016

1. This application has been jointly filed by the parties under Order 23 Rule 3 of the CPC praying for recording of the settlement contained in the application and accepting and passing a decree in terms thereof.

2. The application is signed by the authorised signatories of both parties as well as their counsels. The application is duly supported by the affidavit of Sh. Vishal Vig, a constituted attorney of the appellant/plaintiff and of Mr. Amit Tanna, the authorised signatory of the respondent. The terms of the settlement have been set out in paras 5(a) to (h) and 7 to 8 of the application. Learned

counsel for the parties identify the signatures of the respective signatories i.e. of Mr. Vishal Vig, constituted attorney and Mr. Amit Tanna, the authorised signatory.

3. The settlement is in writing appears to be bonafide, voluntary and entered into without any kind of force, pressure or undue influence. There is no legal impediment for accepting the same and disposing of the suit filed by the plaintiff.

4. It is noteworthy that the instant appeal assails the ex-parte order dated 19th April, 2016 passed by the learned Single Judge on IA No. 4675/2016 (for injunction) and IA No. 4676/2016 (u/o 11 Rule 1(4) of the CPC).

5. By way of the instant application, the parties have arrived at a settlement of the main dispute between the parties and the complete subject matter of the suit. Parties have jointly prayed that the appeal as well as the CS (Comm) 359/2016 to be disposed of in terms of the settlement and a decree to be passed incorporating the terms thereof.

6. In view of the prayer made before us, it is directed that the present appeal and CS (Comm) 359/2016 are disposed of in terms of the settlement set out in paras 5 to 8 of CM No. 19981/2016. The Registry shall draw up a decree sheet in terms thereof in the suit.

CM Nos.14192/2016 & 14195/2016

In view of the orders passed in the main appeal, these applications do not survive for consideration and are disposed of.

GITA MITTAL, J

I.S.MEHTA, J

MAY 23, 2016/kr