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

+ CS(COMM) 569/2016

MICROSOFT CORPORATION INDIA PVT LTD Plaintiff
Through Mr.Aasish, Adv.

versus

TARUN SHARMA & ANR Defendants
Through Mr.Kapil Kher, Adv. with Ms.Harsha,
Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **10.06.2016**

I.A. No.7600/2016 (u/o XXIII Rule 3 CPC, by parties) and
CS (COMM) No.569/2016 & I.A. No.6256/2016

The plaintiff filed the suit for permanent injunction restraining infringement of copyrights, delivery up, rendition of accounts and damages, etc.

The matter is listed before the Joint Registrar on 2nd August, 2016 for admission/denial and before Court on 25th October, 2016 for hearing the applications, framing of issues and case management. In the meanwhile, the abovementioned fresh application under Order XXIII Rule 3 read with Section 151 CPC has been filed by the parties, for recording the terms and conditions of the settlement and passing an appropriate order. It is stated in the application that the plaintiffs and defendant No.2 have resolved their

disputes. The terms and conditions of the settlement are recorded in para 1 of the application. It is agreed between them that the name of defendant No.1 shall be deleted from the array of the parties to the suit as he is not a necessary party to the suit. The application is duly signed by the parties through their respective Authorized/Constituted Attorneys as well as their respective counsel. The same is also supported by the affidavits of both the parties. The resolution for settling the matter is also filed along with the application. The parties shall be bound by the terms and conditions of the settlement.

The name of defendant No.1 is deleted from the array of the parties. Let the amended memo of parties be filed within one week.

The suit of the plaintiffs is disposed of in terms of the settlement arrived at between the plaintiffs and defendant No.2 as mentioned in the application. A decree be drawn accordingly. The application shall form part of the decree. The status quo order as passed on 18th May, 2016 stands vacated.

The present application as well as other pending applications also stand disposed of. The dates already fixed as 2nd August, 2016 before the Joint Registrar and 25th October, 2016 before Court stand cancelled. The matter be not listed on the said dates.

**MANMOHAN SINGH
(VACATION JUDGE)**

JUNE 10, 2016/ka