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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2466/2009**
BESTOCHEM FORMULATIONS(I) LIMITED Plaintiff
Through: Mr. Surinder Singh, Advocate

versus

KARUNESH TRIPATHI & ORS Defendants
Through: Mr. Aman Taneja, Advocate with
Mr. Bhagwati Prasad, Advocate for D-1 to 4.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **10.08.2016**

1. At the outset, counsel for the plaintiff states that during the pendency of the suit, the plaintiff has been able to negotiate a settlement with the defendants No.1 to 4 and therefore, he does not wish to continue with the suit against the defendant No.5.
2. At the request of the counsel for the plaintiff, the name of the defendant No.5 is deleted from the array of the defendants.

I.A. 9676/2016 (joint application u/O XXIII R 3 CPC)

1. The present application has been jointly filed by the plaintiff and the defendants No.1 to 4 stating *inter alia* that during the pendency of the suit, the parties have been able to arrive at a settlement. The terms and conditions of the settlement have been set out in para 4 of the application, whereunder the defendants No.1 to 4 have given a series of undertakings to the plaintiff and in view of the said undertakings, the plaintiff has agreed to

forgo its claim for damages and costs of proceedings against the defendants. Counsels for the parties state that the suit may be decreed in terms of the undertakings given by the defendants No.1 to 4 and recorded in the present application.

2. The Court has perused the present application. The same has been signed by the authorised signatory of the plaintiff and the defendant No.2 for self and as authorised signatory for the defendants No.1, 3 and 4 as also by their respective counsels. The application is duly supported by the affidavits of the signatories to the application.

3. As counsels for the parties jointly state that the parties 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.

4. The application is allowed. The suit is decreed in terms of the settlement arrived at between the parties and recorded in the present application. Decree sheet be prepared accordingly.

5. The suit is disposed of alongwith the pending application, while leaving the parties to bear their own expenses.

HIMA KOHLI, J

AUGUST 10, 2016

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