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

+ **FAO (OS) 261/2015**

TELEWINGS COMMUNICATIONS SERVICES PVT LTD Appellant

Through: Ms Padmaja Kaul and Ms Richa Kaushal

versus

VIOM NETWORKS LTD

..... Respondent

Through: Ms Shreya Sircar and Mr Saifu Rahman Faridi

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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07.01.2016

CM No. 630/2016

Arguments had been heard in FAO(OS) No. 261/2015 which is the appeal in which this joint application has been moved on behalf of the parties under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 for recording the settlement between the parties. Judgment had been reserved and the proposed judgment was ready for pronouncement today itself. In fact it was indicated in the list of judgments to be pronounced today at serial No. 2.

At the very outset, when this Bench assembled in the morning, the counsel for the parties mentioned this application before us and submitted that they had settled the matter amongst themselves and that the pronouncement be withheld. In view of these submissions, we did not pronounce the proposed judgment and allowed this application to be listed today itself.

We have examined the agreement between the parties which has been annexed to

the application and have also heard the learned counsel for the parties and are of the view that the settlement that has been arrived at between them is lawful. The settlement Agreement on behalf of the appellant has been signed by Shri Tanveer Mohammad (Chief Operating Officer) and Shri Upanga Dutta (Chief Marketing Officer). On behalf of the respondent the agreement has been signed by Shri Syed Safawi (Chief Executive Officer) and Shri Sudhir Prasad (Chief Operating Officer). All these persons were authorised by the appellant and the respondent respectively to sign and execute the said agreement. The application is allowed. The terms of the settlement as recorded in the said Settlement Agreement dated 24.12.2015 is taken on record and the appeal is disposed of in terms thereof. The parties shall remain bound by the settlement.

This application stands allowed.

FAO(OS) 261/2015

In view of the order passed today itself in CM No. 630/2016, we are not pronouncing the proposed judgment which was ready for pronouncement today. The proposed judgment shall not form part of the record.

The appeal stands disposed of as indicated in our order in CM No. 630/2016.

BADAR DURREZ AHMED, J

JANUARY 07, 2016
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SANJEEV SACHDEVA, J