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

+ CS(OS) 3123/2015

MICROSOFT CORPORATION & ORS ..... Plaintiffs  
Through: Mr. Munish Mehra, Advocate with  
Ms. Arundhati Gopal, Advocate

versus

MR ASHOK DALAI & ORS ..... Defendants  
Through: Mr. Vaseem Mian, Advocate

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**

% **ORDER**  
**07.01.2016**

**I.A. 265/2016 (joint application u/O XXIII R 3 CPC)**

1. The present joint application has been filed by the parties stating *inter alia* that during the pendency of the suit, they have arrived at an out of court settlement, the terms and conditions whereof have been recorded in paras 2 to 12 thereof, whereunder the defendants have acknowledged the plaintiffs to be the owners/proprietors of the intellectual property rights in the software programmes developed by them and have given a series of undertakings to the plaintiffs. The defendants have also purchased the software programmes from the plaintiffs in terms of Annexure A enclosed with the application.

Further, the defendants have paid a sum of Rs.6 lacs to the Business Software Alliance (BSA), USA, a non-profit organization of which the plaintiffs are members.

2. In view of the undertakings given by the defendants, the plaintiffs have given up the reliefs of delivery up, rendition of accounts and damages against the defendants. Counsels for the parties state that the suit may be decreed in terms of the settlement recorded in the application.

3. The Court has perused the present application. The same has been signed by the constituted attorney of the plaintiffs and the authorised signatory of the defendants and their respective counsels and the same is duly supported by the affidavits of the signatories.

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

5. The suit is decreed in accordance with the terms and conditions recorded in the compromise application. Decree sheet be drawn accordingly.

6. The suit is disposed of alongwith the pending application.
7. File be consigned to the record room.

**JANUARY 07, 2016**

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**HIMA KOHLI, J**