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

+ CS(COMM) 40/2017

GOLDEN PEACOCK OVERSEAS LIMITED Plaintiff

Through Mr. S. K. Gandhi and Mr. S. Kumar, Advocates.

versus

M/S RBM PRODUCTS AND OTHERS Defendants

**Through Mr. Ritwiz Rishabh, Mr. Kandarp H. Dholakia,
Mr. Tushar L. Sheth and Mr. Nachiketa Joshi,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 30.05.2017

1. At the outset, the learned counsel for the parties point out that there is a typographical error in the order dated 09.05.2017 passed in I.A. No.5779/2017. Accordingly, the penultimate paragraph of the said order is rectified to read as under:

“In view of the above, the application is allowed. Defendant No.1 (a) and 2 are substituted in place of deceased defendant No.1(b).

Amended memo of parties be taken on record. ”

2. The application is disposed of.

I.A. No.6965/2017 & CS (Comm.) No.40/2017

3. This is a joint application filed under Order XXIII Rule 3 CPC stating that the parties have settled their disputes in terms of the Settlement Agreement dated 16.05.2017 arrived at before the Delhi High Court

Mediation and Conciliation Centre. The said Agreement has been placed on record.

4. The learned counsel for the plaintiff further submits that in terms of the Settlement Agreement the plaintiff has already made payment of ₹ 25,67,502/- to defendant No.1(a) and ₹18,77,335/- to defendant No.2. The learned counsel for the defendants confirms the same.

5. The parties jointly pray that a decree be passed in terms of the said Settlement Agreement. The General Manager of the Plaintiff, being the authorized signatory of the plaintiff, is present and affirms the Settlement Agreement dated 16.05.2017 between the parties. Defendant No.1 (a) and 2 are also present in court and affirm the terms of the said agreement. It is also stated that defendant No.2 holds the Power of Attorney on behalf of defendant No.3.

6. The Settlement Agreement is lawful. Accordingly, the application is allowed and the Suit is decreed in terms of the Settlement Agreement dated 16.05.2017.

7. Let a Decree Sheet be drawn up. The Settlement Agreement dated 16.05.2017 shall form part of the Decree Sheet.

8. The registry is directed to issue a certificate for refund of court fee to the plaintiff.

VIBHU BAKHRU, J

MAY 30, 2017

dr