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

+ **CS(OS) 894/2004**

DABUR INDIA LTD. & ANR. Plaintiffs
Through: **Mr. Manish K. Mishra, Adv.**

Versus

RUNGTA TEA (P) LTD. Defendant
Through: **Mr. Amarjeet Singh, Adv.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.05.2017

IA No.5512/2017 (of P-1 and defendant u/O XXIII R-3 CPC)

1. It is recorded in the application that the plaintiff No.2 Dabur Foods Limited has since merged with the plaintiff No.1 Dabur India Limited.
2. The Court Master to today itself under his signatures in today's date make an endorsement on the memorandum of parties of deletion of the plaintiff No.2 Dabur Foods Limited from the array of parties.
3. The counsels state that the application is signed by the authorised representatives of the plaintiff and the defendant and is accompanied with their affidavits and is also signed by them and seek disposal of the suit in terms of the application.
4. I have perused the compromise arrived at between the parties and as recorded in the application and find the same to be lawful.
5. The application is allowed and disposed of.

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6. Though I was inclined to decree the suit in terms of the compromise application but the counsel for the defendant states that the suit may not be decreed and may be disposed of in terms of the settlement and binding the parties to the terms of the settlement.

7. I have enquired from the counsel for the defendant that under which provision of the Code of Civil Procedure, 1908, the suit will be so disposed of and what would be the value and effect of such disposal. It has further been cautioned that in the compromise, the plaintiff has also undertaken some obligation towards the defendant and the defendant in the absence of a decree may not be able to execute / enforce.

8. The counsel for the defendant however insists and the counsel for the plaintiff supports.

9. Cautioning the counsels of the inexcitability of such disposal and the parties being not entitled to enforce the settlement save by filing a fresh legal proceedings, at the risk of the parties, the suit is disposed of in terms of para 15 of IA No.5512/2017 aforesaid.

No decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

MAY 04, 2017

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