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

+ **CS(COMM) 144/2016**

SAMSUNG ELECTRONICS

COMPANY LTD & ANR

..... Plaintiffs

Represented by: Mr. Saif Khan and Mr.
Achuthan Sreekumar,
Advocates.

versus

H.S ALAMPADY & ORS

..... Defendants

Represented by: Mr. Vikram Grover and
Mr. Harish K. Chauhan,
Advocates.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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08.08.2017

I.A. No. 6953/2017 (under Order XXIII Rule 3 CPC)

1. By this joint application the plaintiffs and defendant seek disposal of the suit in terms of the settlement arrived at between the parties duly recorded in Para-5 of the application.

2. Application is allowed decreeing the suit in terms of the settlement arrived at between the parties.

CS(COMM) 144/2016

1. Settlement has been arrived at between the plaintiffs and defendant as incorporated in para-5 of I.A. No. 6953/2017 as under:

“5. Notwithstanding the above, the Parties are now keen on resolving the differences arising out of the

instant suit to avoid expending further time and effort on the following terms-

- a) The Defendants hereby confirm and state that their videos that were available at the web-links mentioned in paragraph 2 above have been taken down by them and the same are no longer available/accessible via the above links. The Defendants further undertake that they will not disseminate said videos on the Internet or in any other media in India.*
- b) In light of the aforesaid express undertakings from the Defendants, the Plaintiffs give up their claim for publishing of full page retraction/apology in newspaper, making written representation, punitive and exemplary damages, costs, quantified damages as stipulated in the prayer paragraph no. 68 (c), (g), (i), (j) and (k) of the plaint.*

2. The application is supported by the affidavit of Shri Manish Kumar, who is the authorized signatory of plaintiff No. 1 and 2, authorization in whose favour has been placed on record vide the documents filed before this Court on 3rd August, 2017 in the file relating to the applications.

3. Joint application is also supported by the affidavit of Shri Hariprasad Shanbhogue Alampady, defendant No. 1 and Ms. Baminee Viswanat, constituted attorney of defendant Nos. 2 and 3, authorization in whose favour is at pages 33-34 of the documents file.

4. The suit is decreed in terms of the settlement arrived at between the parties.

5. Decree sheet will incorporate the terms of settlement.

6. Since the parties have arrived at a settlement before settling of

issues, the court fee be returned to the plaintiffs as per Section 16A of the Court Fee Act.

I.A. No. 2729/2016 and 10418/2016

1. Learned counsel for the plaintiffs and defendant do not press the applications.
2. Applications are dismissed as not pressed.

AUGUST 08, 2017
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MUKTA GUPTA, J.

