

\$~S-1

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

+ CS(OS) 1175/2015

SUMMIT APARTMENTS PVT LTD Plaintiff
Through Mr.V.P.Rana, Adv. along with
Smt.Ramesh Kumari & Mr.Hitesh,
Directors of plaintiff-company, in person.

versus

JKSS DEVELOPERS PVT LTD Defendant
Through Mr.Samdarshi Sanjay, Adv. for the
defendant.
Mr.Shyamal Kumar, Adv. for applicant,
M/s IOCL Officers' Welfare Society,
along with Mr.Bijoy Kumar Sharma,
Secretary of the Society, in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **10.04.2017**

I.A. No.12663/2016 (exemption), by applicant

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

I.A. No.12662/2016 (u/o 1 R.10 CPC, by applicant)

This is an application under Order 1 Rule 10 CPC filed by M/s IOCL Officers' Welfare Society through its Secretary, seeking impleadment as defendant No.2 in the present suit.

Notice was issued in this application. Learned counsel for the non-applicants have no objection if the prayer made in this application is allowed. Consequently, I.A. No.12662/2016 is allowed. M/s IOCL Officers' Welfare Society is impleaded as defendant No.2 in the present suit. Let the amended

memo of parties be filed during the course of the day.

Application stands disposed of.

I.A. No.4067/2017 (u/s 151 CPC, by D-1)

By the present application, the defendant No.1 seeks substitution of the Authorized Representative. Copy of the Extracts of Board Resolution passed in the Board Meeting of the Company held on 01.06.2016 at 10.00 a.m. has been annexed with the application.

Notice. Learned counsel for the non-applicant/plaintiff accepts notice. The prayer of this application is not opposed. Accordingly, the same is allowed.

Application stands disposed of.

**I.A. No.4068/2017 (u/o XXIII R.3 CPC, by parties),
CS(OS) No.1175/2015 & I.A. Nos.8889/2015, 15949/2015, 20610/2015 &
13585/2016**

This is a joint application filed by the parties, i.e. plaintiff, defendant No.1 and defendant No.2, under Order XXIII Rule 3 read with Section 151 CPC, for recording the terms of compromise and passing of a decree in terms of the settlement arrived at between the parties.

The plaintiff has filed the present suit for declaration, cancellation and permanent injunction. During the pendency of the suit, parties have entered into an amicable settlement. The present application is signed by the parties and duly supported by the affidavits of Smt.Ramesh Kumari Bhardwaj, Director of the plaintiff-Company, Sh.Jitender Saini, Director of defendant No.1-Company and Sh.Bijoy Kumar Sharma, Secretary of defendant No.2. The parties identify their signatures on the application, affidavit and the Settlement Deed which is marked as Ex.P-1. Parties submit that they have entered into an amicable settlement out of their own free will, without any force or coercion and after understanding the terms of the settlement. The plaintiff has received a demand draft in the sum of Rs.11 crores in Court in full and final settlement in terms of

the Settlement Deed dated 25.03.2017. Parties also submit that the terms of the settlement would be complied with in letter and spirit.

The present suit is decreed in terms of the settlement. Decree be drawn accordingly. All pending applications also stand disposed of.

The plaintiff would be entitled to refund of Court Fee in terms of Section 16 of the Court-Fees Act, 1870, as the matter has been resolved at the initial stage and by mediation by the parties.

G.S.SISTANI, J.

APRIL 10, 2017/ka