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

+ **CS(COMM) 1152/2016**

**OSRAM GESELLSCHAFT MIT
BESCHRANKTER HAFTUNG & ANR**

..... Plaintiff

Represented by: Mr. Peeyoosh Kalra, Mr. C.A.
Brijesh, Ms. Jasmine Malik,
Advs.

versus

HAVELLS INDIA LTD

..... Defendant

Represented by: Mr. Sudeep Chatterjee, Ms.
Drishti Chatterjee, Ms. Nupur
Lamba, Advs.

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

ORDER

% **13.07.2017**

IA 7614/2017 (u/O XXIII R. 3 CPC)

By this joint application under Order XXIII Rule 3 CPC the plaintiffs and the defendant seek a judgment and decree in terms of settlement arrived at between the parties.

The application is supported by affidavit of Shri Sushil Kumar Rattan and Ms. Roma Arora & Mr. Harsh Agarwal, the authorized signatories of the plaintiffs and the defendant respectively.

The authorization in favour of Shri Sushil Kumar Rattan by the plaintiff is marked as Ex. 'A' at pages 644 and 645 of the documents file. The resolution of the extracts of the minutes of the 120th meeting of the **CS(COMM) 1152/2016**

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Board of Directors of the plaintiff company authorizing Mr. Sushil Kumar Rattan is marked as Ex. 'B' at pages 647 to 648 of the documents file. Copy of the resolution passed in the meeting of the Executive Committee of the Board of Directors of the defendant held on 5th March, 2016 has been handed-over and is placed on record along with the present application as Ex. 'C'. The said authorization is in favour of Siddhartha Pandit, Sewak Ram Arora, Harsh Aggarwal and Roma Arora, with the stipulation of any two jointly. As noted above affidavits of Roma Arora and Harsh Aggarwal on behalf of the defendant have been placed on record.

Since the parties have entered into a settlement voluntarily and without any force, coercion, fraud or undue influence, the suit is directed to be decreed in terms of the settlement.

Application is disposed of decreeing the suit in terms of the settlement.

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Suit is decreed in terms of the settlement incorporated in para 4 of IA No.7614/2017 under Order XXIII Rule 3 CPC. The decree sheet will incorporate the terms as noted in para 4 of the application as above.

In view of the fact that the suit is at initial stage, issues have not been settled as yet and trial not started, the Court fees is directed to be refunded to the plaintiff in terms of Section 16A Court Fees Act.

MUKTA GUPTA, J.

JULY 13, 2017

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