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

+ **CS(COMM) 1261/2016**

DR MANISHA SINHA BUDHIRAJA Plaintiff

Through Mr.Harish Parashar with Mr.Rajiv
Chowdhary, Advocates.

versus

**JAYPEE BROTHERS MEDICAL PUBLISHERS (PVT) LTD &
ANR** Defendants

Through Mr.Nikhilesh Kumar and
Mr.Hammad Khan, Advocates for D-
1.
Mr.Suraj Prakash, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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11.12.2017

The present suit has been filed for permanent injunction, mandatory injunction and damages for infringement of copyright.

On 04th August, 2017, the present suit was referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in the present case has been successful through the efforts of Ms.Deepali Gupta, Advocate-Mediator. A Settlement Agreement has been executed between the parties on 07th November, 2017.

It is pertinent to mention that the Supreme Court in *Afcons Infrastructure Ltd. Vs. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24* while dealing with Section 89 CPC observed that the settlement agreement will have to be placed before the Court for

recording it and in disposing of the suit in its terms, the Court should apply the principle of Order XXIII Rule 3 CPC and make a decree in terms of the settlement in regard to the subject matter of the suit to make such settlement effective.

This Court is satisfied that the compromise between the parties contained in the aforesaid Settlement Agreement satisfies the requirements of Order XXIII Rule 3 CPC. The compromise contained in the aforesaid Settlement Agreement is lawful and therefore, this Court does not find any impediment in decreeing the present suit in terms of the aforesaid Settlement Agreement.

Today learned counsel for defendant no.2 has handed over to the learned counsel for the plaintiff a manager's cheque dated 11th December, 2017 bearing no.013145 drawn on HDFC Bank in full and final settlement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 07th November, 2017 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Registry of this Court is also directed to issue to the plaintiff a certificate authorizing her to receive back from the Collector the full amount of the Court fee paid by her in the present suit.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

DECEMBER 11, 2017
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