

7# \$~

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

+ **CS(COMM) 1531/2016**

M/S ESSEL PROPACK LIMITED

..... Plaintiff

Represented by: Dr. Sheetal Vohra and Mr.
Somnath De, Advocates.

versus

PRINTOTECH GLOBAL LIMITED

..... Defendant

Represented by: Mr. Sanjiv Bahl, Mr. Eklavya
Bahl and Mr. Pawas Agarwal,
Advocates with Mr. Manoj
Gupta, Authorised
Representative of defendant in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

06.07.2017

I.A. No. 14410/2016 (Additional documents)

1. Since the parties have settled the dispute and an application under order XXXIII rule 3 CPC has already been filed, learned counsel for the plaintiff seeks leave to withdraw the application.
2. Leave granted.
3. Application is dismissed as withdrawn.

I.A. No. 7227/2017 (under Order XXXIII Rule 3 CPC read with Section 151 CPC)

1. By this application the plaintiff and defendant have prayed that the suit be decreed in terms of the settlement arrived at between the parties.

CS(COMM) 1531/2016

Page 1 of 3

2. The settlement arrived at between the parties is taken on record and the suit is decreed in terms thereof.
3. Application is disposed of.

CS(COMM) 1531/2016

1. A settlement arrived at between the parties accompanied by the affidavit of Mr. Suresh Savaliya, S/o Shri Kanubhai B. Savaliya, who is the authorised signatory of the plaintiff company M/s Essel Propack Limited and has filed the suit on behalf of the company has been placed on record. The necessary authorisation in favour of Mr. Suresh Savaliya has been filed at Page-3 of the documents file in the form of the copy of the Resolution of Minutes of Meeting of Board of Directors of the Company dated 29th October, 2015, which is marked as Ex. 'B'.
2. An affidavit of Shri Manoj Gupta, s/o Shri Satish Chandra Gupta, authorised signatory on behalf of the defendant company Printotech Global Limited has also been filed along with I.A. No. 7227/2017. The authorisation in favour of Shri Manoj Gupta is marked as Ex. 'C'.
3. Shri Manoj Gupta, who is present in Court and is identified by the learned counsel affirms his affidavit and states that he is authorised and competent to depose and enter into the settlement on behalf of the defendant company. He states that the defendant company has entered into the settlement with the plaintiff company, terms whereof are incorporated in para-7 of I.A. No. 7227/2017. He further states that an undertaking has been filed by him on behalf of the defendant company in terms of the settlement arrived at between the parties, which is now marked as Ex. 'D' to I.A. No. 7227/2017. He states that the defendant company has no objection if the suit

is decreed in favour of the plaintiff in terms of the settlement arrived at between the parties and the defendant company undertakes to abide by the terms of settlement.

4. Consequently, the suit is decreed as per the settlement arrived at between the parties as per Para-7 of I.A. No. 7227/2017 and the undertaking of the defendant now marked as Ex. 'D'.

5. The decree sheet will incorporate the terms of the settlement.

6. Suit is disposed of.

7. Learned counsel for the plaintiff and Shri Manoj Gupta, who is duly identified by the learned counsel for the defendant have signed the order sheet in acknowledgment of the statement made above.

I.A. No. 14408/2016 (under Order XXXIX Rule 1 and 2 CPC)

Application is disposed of in terms of the above order.

MUKTA GUPTA, J.

JULY 06, 2017

'vn'