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

+ **FAO(OS) (COMM) 31/2018**

GCMC GAAY CHHAP MASALA COMPANY Appellant

Through Mr. S.K. Bansal & Mr. Ajay Amitabh
Suman, Mr. Kapil Giri & Mr. Vinay
Shukla, Advocates.

versus

M/S RADHA KISHAN GOBIND RAM LTD Respondent

Through Mr. Sanjeev Singh & Ms. Kamla, Advs.
Mr. Saurabh Kripal, Mr. Sushant Singh,
Advocates for applicant.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **10.09.2018**

CM APPL 36818-19/2018 (exemptions)

Exemptions are allowed, subject to all just exception.

The applications stand disposed of.

CM APPL 36817/2018 (recall of judgment)

This application has been filed by M/s KBM Foods Pvt. Ltd. seeking recall of judgement dated 19.02.2018 passed by this Court, by which, the settlement between M/s GCMC Gaay Chhap Masala Company and M/s Radha Kishan Gobind Ram Ltd. was recorded.

Mr. Saurabh Kripal, counsel for the applicant submits that the applicant was not a party in the suit filed by M/s KBM Foods Pvt. Ltd. Mr.Kripal further submits that the applicant has filed a suit for permanent injunction against M/s Radha Kishan Gobind Ram Ltd. which is pending before a learned Single Judge

of this Court. He submits that the applicant apprehends that the order passed on 19.02.2018 may stand in his way while seeking relief in the suit filed by him and accordingly he seeks clarification that the order dated 19.02.2018 would not come in the way of the applicant in pursuing his remedy against the respondent or any other party.

Notice. Counsel for non-applicant accepts notice.

Both counsels for the non-applicants submit that the settlement was inter-se between the parties and the settlement has nothing to do with the applicant. Accordingly, the application is disposed of clarifying that the applicant is at liberty to pursue his remedy as available in accordance with law. The order so passed and the inter-se settlement between the parties will not come in the way of the applicant.

The application stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 10, 2018/ck/

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