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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 165/2016

GMR INFRASTRUCTURE LTD

..... Plaintiff

Through Mr.Milanka Chaudhury and
Mr.Abhinav Agnihotri, Advs.

versus

ASSOCIATED BROADCASTING COMPANY PVT LTD & ORS

..... Defendant

Through Mr.Buddy A.Ranganadhan, Adv. for
D-1 to 9
Mr.Raunak Jain and Mr.Vishvendar
Tomer, Advs. for D-10

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **05.09.2018**

IA No.11780/2018

The plaintiff has filed the suit for permanent injunction against the defendants. The suit is at the stage of evidence. During the pendency of the suit the parties have entered into a compromise and the terms of the said settlement are stated in para 3(i) to (v) which are as under :

i) The story concerning the Plaintiff which was broadcasted by the Defendants on their channel TV9 on 30.03.2016 has been removed from all social mediums including You tube and the Defendants undertake not to rebroadcast or telecast the said story or any of its contents thereof by uploading or publishing the same in any manner either through electronic medium or print in any TV channel/Website/newspaper etc., owned or

controlled by the Defendants either on its own or through any of their representatives, employees, agents, assigns or any other person acting on the behalf of the Defendants;

ii) The Defendants further undertake not to broadcast or publish any story concerning the Plaintiff in any manner either through electronic medium or print in any TV channel/Website/ magazine/ newspaper etc. owned, operated or controlled by the Defendants without first verifying the correctness of the facts relating to the story from the Plaintiff.

iii) The Plaintiff will withdraw the criminal complaint bearing no. (Ct Cases/43418/2016) pending before the court of Ms. Gurmohina Kaur Ld. A.C.M.M, Patiala House Court, New Delhi filed against the Defendants;

iv) The Plaintiff will withdraw the present suit being C.S. (OS) No. 165/2016.

v) The Plaintiff will also withdraw the complaint [Ref. No. N-41015/21/2017-BC-III] filed before the Ministry of Information & Broadcasting.

It is stated by learned counsel for the plaintiff that in pursuance of the aforesaid settlement, the plaintiff has withdrawn criminal complaint dated 19.03.2018 and the defendant has also withdrawn criminal revision petition No.179/2017 and 180/2017 from the court of Sh.Sunil Rana, Special Judge, Patiala House Courts, New Delhi. Since the matter stands settled, the present application under Order XXIII Rule 3 is moved and it is agreed between the parties that the decree in terms of para 3 be passed.

In the circumstances, since the compromise arrived at is lawful, the suit is decreed in terms of 3(i) to (v). Decree sheet be prepared.

Since the evidence has not started as yet the plaintiff seeks refund of the fee. He is entitled to refund of court fee as per Court Fees Act.

The suit stands disposed of.

YOGESH KHANNA, J

SEPTEMBER 05, 2018

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