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

+ CS(OS) 1436/2015

MALLCOM (INDIA) LIMITED & ANOTHER Plaintiffs

Through Ms. Parul Singh, Advocate

versus

CHHOTE LAL & ANOTHER Defendants

Through Ms. Tanu Priya Gupta, Advocate for
D-1 to D-3. D-3 in person.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

% 03.01.2018

I.A. 21469/2015

Present application has been filed under Order 1 Rule 10 CPC to implead defendant nos. 3 and 4.

The defendant no. 3, who is personally present in Court, states that he has no objection to the present application being allowed.

Since none has appeared for defendant no. 4 despite service by way of publication in newspaper dated 22nd March, 2017, present application is allowed. Let the amended memo of parties be filed within one week.

Accordingly, the application stands disposed of.

I.A. 51/2018

Present joint application has been filed under Order 23 Rule 3 read with Section 151 CPC. The same is duly signed by learned counsel for the

plaintiffs as well as by the parties to the litigation.

Present application is also supported by affidavits of constituted attorney of the plaintiffs; defendant no. 3, who also happens to be the sole proprietor of the defendant no. 2; and defendant no. 1, an employee of the defendant no. 2.

Both the learned counsel state that the matter has been compromised in accordance with the terms mentioned in the present settlement application being I.A. 51/2018.

Both the learned counsel further assure and undertake to this Court that the parties shall comply with the settlement terms mentioned in the aforesaid settlement application.

The aforesaid statements, assurances and undertakings as well as undertakings given by learned counsel for the parties are accepted by this Court and parties are held bound by the same.

This Court has also perused the compromise application and Settlement Agreement and is of the opinion that they are lawful.

Consequently, the suit is decreed qua defendant nos. 1 to 3 in accordance with the paragraph 52 (i) to (iv) of the plaint as well as the terms of the application being I.A. 51/2018, which is marked as Ex. C-1. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiffs a certificate authorizing him/her to receive back from the Collector half the amount of the Court fee paid by them in the present suit.

With the aforesaid observations, present application is allowed and the suit stands disposed of qua defendant nos. 1 to 3.

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In view of the aforesaid order, present suit survives only against the defendant no. 4. Though the defendant no. 4 has been impleaded today by virtue of I.A. 21469/2015 being allowed, yet this Court finds that there is no averment against the said defendant in the present plaint.

At this stage, learned counsel for the plaintiff wishes to withdraw the present suit qua defendant no. 4 with liberty to file a fresh suit on the same cause of action.

With the aforesaid liberty, present suit qua defendant no. 4 stands disposed of as withdrawn. The next date of hearing stands cancelled.

MANMOHAN, J

JANUARY 03, 2018

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