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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 1440/2008, I.As. 4704/2018, 13466/2019 & 14203/2019
SHRI RAVINDER SINGH

..... Plaintiff

Through: Mr. Jasmeet Singh and Ms. Tejaswini,
Adv. with plaintiff in person.

versus

SHRI CHUCKLES KOHLI & ORS.

..... Defendants

Through: Ms. Raavi Birbal and Mr. Varun
Chandiok, Adv. for defendant nos. 1
to 3 with defendant no. 1 in person for
and on behalf of defendant nos. 2 and
3 (through PoA).
Mr. B.B. Gupta, Sr. Adv. with
Mr. Achal Gupta and Mr. Vibhor
Jain, Adv. for applicant / defendant
no. 4 with Prashant Sharma, AR of
defendant no. 4 in person.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **08.11.2019**

I.As. 15677/2019 & 15678/2019

1. These two applications have been listed before this Court vide a supplementary list circulated in the pre-lunch session on a mentioning made before Hon'ble Mr. Justice J.R. Midha as Hon'ble Mr. Justice Rajiv Sahai Endlaw is on leave.
2. These two applications are under Order I Rule 10 read with Section 151 CPC for impleadment of British Institute of Engineering Technology (India) Pvt. Ltd. as defendant No. 4 and under Order XXIII Rule 3 read with

Section 151 CPC for taking the Tripartite Agreement dated October 17, 2019 executed between the plaintiff and the defendants on record.

3. These applications were taken up for hearing after lunch. This Court considered the application under Order I Rule 10 read with Section 151 CPC but later on finding that the original Tripartite Agreement dated 17th October, 2019 has not been filed along with the application under Order XXIII Rule 3 read with Section 151 CPC, this Court decided to renotify the matter on 13th November, 2019, before the Roster Bench and dictated the order.

4. Later Mr. B.B. Gupta, learned Senior Counsel appearing for defendant No.4 mentioned the matter before the rising of the Court, and before the order could be signed, by stating that he has brought the original of the Tripartite Agreement dated 17th October 2019 (running into 11 pages) index thereof, signed by all the parties today itself. In fact, all the counsels also mentioned that these applications be taken up for hearing. It is also stated by Ms. Raavi Birbal that the wife of defendant No.1 is unwell in Jakarta, Indonesia as such he has to leave the country.

5. Noting the above, I considered the applications filed by the parties.

I.A. 15678/2019

6. This is an application under Order I Rule 10 read with Section 151 CPC seeking impleadment of the applicant which is the British Institute of Engineering Technology (India) Pvt. Ltd. as defendant No.4.

7. The learned counsels for the plaintiff and the defendant nos. 1 to 3 have given their consent for the impleadment of the applicant namely British Institute of Engineering Technology (India) Pvt. Ltd. as a party defendant No.4. The application is allowed and the British Institute of Engineering

Technology (India) Pvt. Ltd. is impleaded as defendant No.4.

8. The amended memo of parties is taken on record.

9. The application stands disposed of.

I.A. 15677/2019

10. This is an application filed under Order XXIII Rule 3 read with Section 151 CPC with the following prayers:-

“(a) take on record Tripartite Agreement dated 17.10.2019 executed between the Plaintiff and Defendants;

(b) Decree / Dispose of the captioned suit in terms thereof;

(c) Bind the parties to the suit in terms of the agreement;

(d) Pass such other and / or grant further relief(s), as may be deemed fit, expedient and / or appropriate by this Hon’ble Court in the facts and the circumstances of this case.”

11. The application is signed by the plaintiff, defendant No.1 on his behalf and on behalf of defendant Nos.2 and 3 and on behalf of defendant No.4 and their counsels. Even the affidavits have been filed in support of this application.

12. At this stage, Mr. B. B. Gupta, learned Senior Counsel appearing for the defendant no.4 (newly added defendant), has handed over to the Court the original copy of the Tripartite Agreement dated 17th October, 2019, along with the index duly signed on behalf of plaintiff, defendant nos. 1 to 3 and 4 (newly added defendant). The counsels present for the parties state that the original of the Tripartite Agreement dated 17th October, 2019 be taken on record. The same is taken on record and has been annexed / tagged

in the Part-II(A), Vol.II immediately after running page 47 and is exhibited as Exh. “AA”.

13. Learned counsel for the parties state that the parties shall abide by the terms and conditions of the original Tripartite Agreement dated 17th October, 2019 exhibited as Exh. “AA”.

14. Their statements are taken on record. They state that the suit be disposed of accordingly.

15. Learned counsel for the parties state that in view of the above order the pending applications / petitions be held to have become infructuous. Ordered accordingly.

16. The date already fixed i.e. 20th November, 2019 stands cancelled.

V. KAMESWAR RAO, J

NOVEMBER 08, 2019/bh/aky