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

+ CS(COMM) 1082/2018 & I.A.No.11064/2018

M/S J.D. FASHION WEAR Plaintiff

Through Mr.Umesh Mishra, Advocate.

versus

JAI VASU GARMENTS & ORS. Defendants

Through Mr.Himanshu Detwal, Advocate for
D-1 & 3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **09.01.2019**

At the outset, learned counsel for the plaintiff wishes to delete defendant nos.2 and 5 on the ground that they are not conducting any business as of now.

He prays for and is given liberty to file a fresh suit against defendant nos.2 and 5 if, in future, any cause of action arises.

With the aforesaid liberty, defendant nos.2 and 5 are deleted from the array of parties.

I.A.No.192/2019

On the oral prayer of learned counsel for the plaintiff as well as defendant nos.1 and 3, the *ex parte* order dated 13th November, 2018 against defendant nos.1 and 3 is recalled.

Present joint application has been filed under Order XXIII Rule 3 read with Section 151 CPC. The same is duly signed by learned counsel for the plaintiff and defendant nos.1 and 3 as well as by the

said parties to the litigation.

Present application is also supported by affidavits of authorized representative/constituted attorney of the plaintiff and the defendant nos.1 and 3.

Both the learned counsel state that the matter has been compromised in accordance with the terms mentioned in the present application.

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

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

This Court has also perused the present compromise application and is of the opinion that the same is lawful.

Consequently, the suit is decreed in accordance with the prayers (a) to (d) of the Prayer Clause of the suit as well as the present application, a copy of which is marked as Ex. C-1. Registry is directed to prepare a decree sheet accordingly.

With the aforesaid observations, present application is allowed and the suit and pending application stand disposed of.

MANMOHAN, J

JANUARY 09, 2019
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