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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 267/2018 & IA No.1757/2018 (u/O XXXIX R-1&2 CPC)**
DR. APSI F. GOLWALLA & ORS Plaintiffs

Through: Ms. Jyoti Taneja & Mr. Vidhur
Kamra, Advs.

Versus

RAJESH CHUG & ORS Defendants

Through: Mr. Suraj Prakash, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.01.2020

1. The four plaintiffs viz. (i) Dr. Apsi F. Golwalla, (ii) Dr. Sharukh A. Golwalla, (iii) Dr. Milind Y. Nadkar and (iv) Jaypee Brothers Medical Publishers Pvt. Ltd. and the three defendants viz. (a) Rajesh Chug, (b) Raju Shah and (c) CBS Publishers & Distributors Pvt. Ltd., in this suit for permanent injunction to restrain infringement of copyright, were vide order dated 15th October, 2019 referred to the Mediation Cell of this Court.
2. Mediation has been successful through the efforts of Mr. Vaibhav Sharma, Advocate / Mediator and a Settlement Agreement dated 13th December, 2019 purporting to be signed by or on behalf of the plaintiffs and the defendants, their respective advocates and the mediator has been received from the Mediation Cell of this Court and the counsel for the plaintiffs and the counsel for the defendants support the Settlement Agreement dated 13th September, 2019 and seek disposal of the suit in terms thereof.

3. The counsels confirm that the Settlement Agreement dated 13th September, 2019 is signed by or on behalf of all the plaintiffs and all the defendants.

4. I have perused the Settlement Agreement dated 13th September, 2019 and find the compromise arrived at to be lawful, though not giving the form of decree in terms thereof. Such Settlement Agreements lead to further litigation.

5. A decree is thus passed in terms of the Settlement Agreement dated 13th December, 2019, which shall form part of the decree sheet, and by further passing a decree for permanent injunction in favour of the plaintiffs and against the defendants in terms of prayer paragraph 36(a) of the plaint dated 22nd January, 2018 and further passing a decree for delivery as sought in prayer paragraph 36(c) of the plaint dated 22nd January, 2018 and in the mode provided in paragraphs (1) and (2) of paragraph 'E' of the Settlement Agreement dated 13th December, 2019 and leaving the parties to bear their own costs.

Decree sheet be prepared.

6. A certificate entitling the plaintiffs to refund of court fees paid less Rs.20,000/- be issued and handed over to the counsel for the plaintiffs.

RAJIV SAHAI ENDLAW, J

JANUARY 20, 2020

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