

\$~6

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

+ **CS(COMM) 287/2020**

RAF STATIONERY MFG CO

.....Plaintiff

Through : Ms. Shreya Sethi with Mr. Dhruv Nayar and
Mr. Anirudh Bhatia, Advs.

versus

MS GOEL TRADING CO THROUGH ITS PROPRIETOR

MR ANKUR GOEL &ORS.

.....Defendants

Through : Ms. Surabhi Dhar, Ad. For D-2 & 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

21.09.2020

%

[Court hearing convened *via* video-conferencing on account of COVID-19]

I.A. 8070/2020 & I.A. 8071/2020

1. The captioned joint applications (preferred under Order XXIII Rule 3 of the Code of Civil Procedure, 1908) have been moved on behalf of plaintiff and defendant nos.2 and 3 to place on record the terms of settlement arrived at between them.
2. On the previous date i.e. 14.9.2020, the following had been noted by me:

“ I.A. Nos. 8070-71/2020

1. These applications are filed seeking to bring on record the settlement arrived at between the plaintiff and defendant nos. 2 and 3 respectively.

1.1 While the applications bear the signatures of authorized representatives of defendant nos. 2 and 3, the said defendants are neither represented by counsels nor have they joined the virtual-court hearing today.

2. I must indicate that I.A. No. 8070/2020 has been signed by the
CS(COMM) 287/2020

1/4

proprietor of defendant no. 2 i.e. Mr. Rajeev Gupta while I.A. No. 8071/2020 has been signed by the proprietor of defendant no. 3 i.e. Mr. Anand Gupta.

2.1 Although the applications are also supported by affidavits of the proprietors of defendant nos. 2 and 3, their identity documents have not been placed on record.

3. Mr. Anirudh Bhatia, who appears on behalf of the plaintiff, says that he will request the proprietors of defendant nos. 2 and 3 i.e. Mr. Rajeev Gupta and Mr. Anand Gupta, respectively, to join the virtual-court hearing on the next date and also place on record their respective identity documents.

4. To be noted, if duly attested identity documents are filed on behalf of the proprietors of defendant nos. 2 and 3 i.e. Mr. Rajeev Gupta and Mr. Anand Gupta, respectively, the Registry will have them placed on record on the next date of hearing.

5. List the captioned applications on 21.09.2020.

I.A. No. 8072/2020

6. This is a joint application filed under the provisions of Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 [in short 'CPC'].

7. Via this application, the plaintiff and defendant no. 1 have placed on record the terms of settlement arrived at between them qua their inter se disputes.

7.1 The terms of the settlement are contained in an appendix titled as "Document A" which is attached on page 14 of the captioned application. The application has been signed by the proprietor of defendant no. 1 i.e. one, Mr. Ankur Goel and the authorized representative of the plaintiff i.e. one, Mr. Sanjeev Arora.

7.2 The application also bears the signatures of learned counsel appearing for defendant no. 1 and the plaintiff. Furthermore, the application is supported by affidavits of authorized representative of the plaintiff and that of defendant no. 1.

8. I have perused the terms of the settlement. The same are contained in paragraphs 1 (A) to (M) of the settlement agreement titled as "Document – A". The terms of the settlement are lawful.

9. Accordingly, as prayed, the suit is decreed qua defendant no. 1, in terms of the settlement agreement titled as "Document – A". The captioned application, along with "Document- A", shall form part

of the decree and, for this purpose, will, collectively, be marked as Exhibit- 'X'.

10. A decree will be drawn-up in terms of the aforesaid settlement arrived at between the parties.

CS(COMM)No.287/2020

11. Insofar as defendant no. 1 is concerned, the suit has been decreed in view of the order passed today in I.A. No. 8072/2020.

12. List the matter on 21.09.2020 qua the remaining defendants.”

3. Today, Ms. Surabhi Dhar has entered appearance on behalf of defendant nos.2 and 3.

4. Furthermore, Ms. Dhar informs me that defendant nos.2 and 3 have also joined the virtual court proceedings and that their identity documents have been placed on record.

4.1 For this purpose, my attention has been drawn to the copies of the Aadhaar Cards filed on behalf of defendant No.2 [i.e. Mr. Rajeev Gupta] and defendant No.3 [i.e. Mr. Anand Gupta].

4.2 Ms. Dhar has also drawn my attention to the annexure attached to the captioned applications which is titled as “Document-A”. This annexure contains the terms of settlement arrived the plaintiff and defendant nos.2 and 3.

5. I have examined the terms of settlement. The terms of settlement entered into between the plaintiff and defendant Nos.2 and 3 are identical. In view the settlement terms are lawful.

6. Accordingly, the suit qua defendant Nos.2 and 3 is decreed in terms of the document titled as Document-A which is appended to I.A. nos. 8070/2020 and I.A.nos.8071/2020 respectively.

7. I.A. 8070/2020 & I.A. 8071/2020 along with Document titled A shall form part of the decree and will be marked as Exhibit 1 and 2 respectively.

CS(COMM) 287/2020

8. In view of the order passed on 14.9.2020 qua defendant No.1 vis.-a-vis. I.A. no.8072/2020 and order passed today in I.A. nos. 8070/2020 & 8071/2020 qua defendant Nos.2 and 3 respectively nothing survives in the matter.

9. Accordingly, the suit shall stand consigned to the record.

10. In view of the fact that the settlement between the parties was arrived at an early stage, as prayed, 50% of the Court fees shall be refunded to the plaintiff.

11. The Registry will take requisite steps in that behalf.

RAJIV SHAKDHER, J

SEPTEMBER 21, 2020

pmc/sm

Click here to check corrigendum, if any

CS(COMM) 287/2020

4/4