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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 644/2011**

M/S BAS ENGINEERING PVT LTD Plaintiff
Through: Mr. Dinesh Garg and Ms. Rachna
Agarwal, Adv. with Sh. Ashish
Kapoor, Director of the plaintiff.

versus

M/S JAIN BROTHERS & OTHERS Defendants
Through: Ms. Akanksha Choudhry, Adv. for
D1 to D11 and D18 with Mr. Pramod
Kr. Jain, defendant no.5 for self and
as Power of Attorney holder of D2 to
D11 and Sh. Anand Kishore Takkar,
defendant no.18 in person.

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

ORDER
% **06.03.2020**

I.A. 3134/2020

This is an application filed by the plaintiff under Order I Rule 10 read with Order XXII Rules 4 & 9 read with Section 151 CPC and read with Section 5 of the Indian Limitation Act with the following prayers:

“It is, therefore, most respectfully prayed that the plaintiff may please be allowed/permitted to amend the Memo of Parties in the manner as aforesaid with any other or further order(s) in favour of the Plaintiff as this Hon’ble Court may deem fit and proper under the facts and circumstances of the present case.”

In substance, this application has been filed seeking setting aside the abatement and for addition and deletion of some of the parties.

Ms. Akanksha Choudhary, learned counsel appearing for the defendant nos. 1 to 11 and 18, states, she has filed vakalatnama on behalf of

the said defendants. She also on instructions from Mr. Pramod Kumar Jain, one of the defendant states, she has no objection, if the prayer as made in the application is granted. Noting the submission and taking the statement on record, the prayer as made in the application is granted.

Application stands disposed of.

Amended memo of parties is taken on record.

IA. 3135/2020

This application has been filed on behalf of the plaintiff and on behalf of defendant No.1 acting through defendant Nos. 2 to 9, 10(a), 10(b), 10(c), 10(d), 10(e)(i), 10(e)(ii), 10(e)(iii), 10(e)(iv) & defendant nos. 11 and 18 under Order XXIII Rule 3 and Rule 3A read with Section 151 CPC with the following prayers:

“It is, therefore, most respectfully prayed that the aforesaid settlement may please be taken on record and the decree may please be passed on terms as contained in para 4 hereinabove read with Deed of Settlement dated 25.11.2019 being filed herewith leaving the parties to bear their own costs with any other or further order, relief or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

Mr. Dinesh Garg, learned counsel appearing for the plaintiff and Ms. Akanksha Choudhary, learned counsel appearing for defendant nos. 1 to 11 and 18 states that the suit be decreed in terms of Para 4 (i) and Para 4(ii)(a) to (ii)(g) of the application and the deed of settlement dated November 25, 2019. (page 21 of application).

Learned counsel appearing for the defendants on instructions from Mr. Pramod Kumar Jain states, Ms. Nirmal Devi Bajoria, who has signed the settlement agreement dated November 25, 2019 shall also be bound by

the orders passed by this court.

Having perused the terms of settlement, which being lawful, the Suit is decreed in terms of Para 4(i) and Para 4(ii)(a) to (ii)(g) of the application and in terms of deed of settlement dated November 25, 2019.

The paras (i) and 4(ii)(a) to (ii)(g) of the application and the deed of settlement dated November 25, 2019 (at Page 21 of the application) shall form part of the decree. Decree sheet be drawn accordingly. No costs.

I take on record the statement made by the counsels, that the parties, to the application / deed of settlement dated November 25, 2019, shall be bound by the same.

Application stands disposed of.

V. KAMESWAR RAO, J

MARCH 06, 2020/jg