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

+ CS(COMM) 141/2017

M/S MIRZA INTERNATIONAL LTD Plaintiff

Through: Mr. A.K. Goel & Mr. Priyanshi
Garg, Advocates.

versus

M/S GREEN PARK SHOE PVT LTD & ANR Defendants

Through: Ms. Sonia Mehta, Advocate
for D-1.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.01.2020

I.A. 937/2020 (Application under Order XXIII Rule 3 of the CPC filed by the plaintiff and defendant no.1)

1. This is a joint application by the plaintiff and defendant no.1 for disposal of the suit in terms of a settlement arrived at between them.
2. The application contains the terms of settlement in paragraphs 2, 3 and 4 thereof. It is signed by the authorized representative of the plaintiff, and a director of the defendant no.1 – company, as well as their counsel. Affidavits of the signatories have also been filed, verifying the contents of the application.
3. Learned counsel for the parties submit that in terms of the application, a decree may be passed as prayed for in paragraphs 33(i) and (ii) of the plaint against defendant no.1. The application also records that

the plaintiff does not press its other claims.

4. Considering the submissions of counsel on both sides and the material placed on record, there is no impediment in grant of a decree as sought.

5. Consequently, a decree is passed against defendant no.1 in terms of paragraph 33(i) and (ii) of the plaint. Decree sheet be prepared accordingly. A copy of the application will form part of the decree.

6. In view of the fact that, as far as defendant no.2 is concerned, the suit has already been decreed on 17.07.2018, with the decree passed today against defendant no.1, the suit and pending applications stand disposed of.

PRATEEK JALAN, J

JANUARY 24, 2020

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