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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 132/2023, I.A. 4672/2023, I.A. 20688/2023 & I.A.
37121/2024

IMMERSION CORPORATION

.....Plaintiff

Through: Mr. Pravin Anand, Ms. Tusha
Malhotra and Ms. Tanvi Bhatnagar,
Advs.
M: 9810383514

versus

XIAOMI TECHNOLOGY INDIA PRIVATE LIMITED
& ORS.

.....Defendants

Through: Ms. Sneha Jain, Mr. Subhashree Sil
and Mr. Aniruddh Bhatia, Advs. for
D-1, 4 and 5.
M: 8447920821

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
22.08.2024

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I.A. 37121/2024 (Joint application for withdrawal of the suit and counter claim)

1. The present joint application has been filed under Order XXIII Rule 1 read with Section 151 of Code of Civil Procedure ("CPC"), 1908, for withdrawal of the suit as well as counter claim.
2. It is submitted that during the pendency of the proceedings, the plaintiff and defendant nos. 1, 4 and 5 have arrived at an amicable resolution of their disputes.
3. Accordingly, as per the settlement, a joint application being I.A.



32652/2024, had been filed for stay of the proceedings in the suit and counter claim on 12th August, 2024.

4. It is submitted that vide order dated 09th July, 2024, the proceedings in the present suit as well as in the un-numbered counter claim filed by the defendant nos. 1, 4 and 5 were stayed till the date, the terms of the settlement stand satisfied between the parties.

5. It is submitted that by way of the present join application, the parties wish to apprise this Court that the terms of settlement are now satisfied between the parties.

6. Accordingly, the plaintiff seeks withdrawal of the suit, and defendant nos. 1, 4 and 5 seek withdrawal of the counter claim, filed vide *Diary No. 850155/2024*, with liberty to file afresh, in case a fresh cause of action arises.

7. Accordingly, the plaintiff is allowed to withdraw the present suit and defendant nos. 1, 4 & 5, are allowed to withdraw the counter claim filed vide *Diary No. 850155/2024*, with liberty to file a fresh suit/counter claim, in case of a fresh cause of action.

8. Since the parties have settled the suit at a nascent stage, it is directed that the Registry shall issue certificate of refund for full Court Fees to the plaintiff as well as defendant nos. 1, 4 and 5 for the counter claim.

9. With the aforesaid directions, the present suit along with the counter claim is dismissed as withdrawn, along with the pending applications.

MINI PUSHKARNA, J

AUGUST 22, 2024/kr