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

+ **CS(COMM) 170/2018**

VIATRIS SPECIALTY LLC

..... Plaintiff

Through: Mr. Ranjeet Singh Sidhu and Ms.
Shilpa Gupta, Advocates.

versus

PAVAL GARG & ORS.

..... Defendants

Through: Mr. Mohan Vidhani and Ms. Elisha
Sinha, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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09.02.2024

I.A. 3273/2024 (under Order I Rule 10 of CPC on behalf of Plaintiff)

1. Counsel for Plaintiff states that during the pendency of the suit, the name of Defendant No. 2 has changed from 'M/s Unisule Pvt. Ltd.' to 'M/s Combitic Global Caplet Pvt. Ltd.' Certificate of change of name has been annexed as 'Document No. 2' to the instant application.
2. He further states that Defendant No. 3, which was a sole proprietorship of Defendant No. 1, has ceased its operations and therefore ceased to exist during the pendency of the suit. Thus, Defendant No. 3 is no longer a proper or necessary party and should be deleted from array of parties. In this regard, reliance is placed on 'Document No. 1' annexed with the instant application.
3. In light of the above, the application is allowed with the following



directions:

- 3.1. Change of name of Defendant No. 2 is permitted to be taken on record.
- 3.2. Defendant No. 3 stands deleted from the array of parties.
- 3.3. Amended memo of parties, which is annexed with the instant application, is taken on record.
4. Disposed of.

I.A. 3220/2024(under Order XXIII Rule 3 of CPC on behalf of Plaintiff and Defendants)

5. This is a joint application on behalf of the parties under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 whereby the Plaintiff and Defendants No. 1 and 2 (as per amended memo of parties dated 05th February, 2024) jointly pray for a decree in terms of the settlement delineated in Paragraph No. 5 of the application.
6. The above-captioned application is duly supported by affidavits of the Authorized Representative of the Plaintiff as well as of affidavits of Defendant No. 1 and Manager of Defendant No. 2. Counsel for the parties have identified their signatures and confirm the settlement between the parties.
7. The Court has perused the terms of the settlement and finds the same to be lawful. Accordingly, the present suit is decreed as per the terms of settlement recorded in Paragraph No. 5 of the instant application, which shall form part of the decree. Parties shall remain bound by the terms and conditions of the settlement.



8. However, at this juncture, Ms. Elisha Sinha, Advocate, informs the Court that *vakalatnama* on behalf of Defendants No. 1 and 2 is not on record. Nonetheless, she confirms the settlement arrived at and undertakes to file *vakalatnama* on behalf of the said Defendants, which authorises them to sign the application. Nonetheless, since affidavits of the respective authorized signatories of the said Defendants accompany the instant application, the Court has proceeded to decree the suit on the basis thereof, with the direction that *vakalatnama* on behalf of Defendants No. 1 and 2 be filed within a period of one week from today.

9. Decree sheet be drawn up.

10. Disposed of.

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11. In light of the order passed in I.A. 3220/2024, the present suit has been decreed in terms of the settlement arrived at between the parties.

12. Accordingly, the suit is disposed of, along with pending application.

SANJEEV NARULA, J

FEBRUARY 9, 2024

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