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

+ **CS(OS) 777/2023**

ZYDUS HEALTHCARE LIMITEDPlaintiff

Through: Ms. Aadya Chawla and Ms. Nandini
Choudhary, Advocates

versus

**AKUMS DRUGS AND PHARMACEUTICALS
LIMITED**Defendant

Through: Mr. R. Abhishek, Advocate for D-1
and 2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **29.07.2024**

**I.A. 3869/2024 (under Order I Rule 10(2) CPC, 1908 seeking
impleadment of proposed defendant nos. 2 and 3)**

1. This is an application filed by the plaintiff under Order I Rule 10(2) the Code of Civil Procedure, 1908 ('CPC') seeking impleadment of proposed defendant nos. 2 and 3.
2. At the outset, learned counsel for the plaintiff states that she is not pressing the relief qua proposed defendant no. 3 and prays that defendant no. 2 be impleaded, as separately the plaintiff has now entered into an out of Court settlement agreement with defendant no. 1 and the proposed defendant no. 2.
3. Learned counsel appearing for the defendant and proposed defendant no. 2 states that he has no objection to the prayer made by the plaintiff.
4. Accordingly, the application is allowed and the proposed defendant



no. 2 is hereby, impleaded.

5. The plaintiff is directed to file an amended memo of parties within two weeks.

I.A. 34739/2024 (under Order XXIII Rule 3 CPC, 1908 for recording of settlement between the parties)

6. This is an application filed by the plaintiff, defendant no. 1 and the newly impleaded defendant no. 2.

7. Learned counsel for the plaintiff states that inadvertently while filing this application, the arrangement of pages was haphazard. She has handed over a physical copy of the application with correct arrangement. The same is taken on record. The registry is directed to place the same in the application folder.

8. Learned counsels for the parties state that the parties have arrived at an out of Court settlement and the terms and conditions of the settlement are set out in paragraphs 3(a) to (f), 4 and 5 of this application.

9. The application is duly supported by the affidavits of the plaintiff and a common affidavit on behalf of defendant nos. 1 and 2. The parties pray that the suit be disposed of taking on record the said terms of the settlement and in terms thereof. The parties' state that the settlement has been arrived at without any coercion and out of free will.

10. This Court has perused the terms set out at paragraphs 3(a) to (f), 4 and 5 of the settlement in this application and is satisfied that the said terms and conditions are lawful.

11. Accordingly, the present application is allowed and the suit is disposed of wholly in terms of the present application and the settlement terms set out in paragraph paragraphs 3(a) to (f), 4 and 5 of this application



shall deem to form part of the decree.

12. Learned counsel for the plaintiff states that since the parties have arrived at an out of Court settlement, the Court fee be refunded keeping in view the provisions of 16A of the Court Fee Act, 1870 and the judgment of the Supreme Court in *High Court of Madras vs. M.C. Subramaniam*¹.

13. In view of the settlement and the judgment of the Supreme Court, the 100% Court fees is hereby directed to be refunded to the plaintiff. The Registry is directed to draw-up the requisite certificate for refund of the 100% court fee in the name of the applicant-plaintiff, within 04 weeks from today.

14. Accordingly, the application stands disposed of.

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15. The suit is accordingly decreed in terms of the paragraph nos. 3(a) to (f), 4 and 5 of the settlement set out in this application which terms shall form part of the decree. The parties are hereby directed to abide by terms of the Settlement. The decree shall be drawn up accordingly.

16. All pending applications stand disposed of.

17. All further dates of hearing in the suit are hereby cancelled.

MANMEET PRITAM SINGH ARORA, J

JULY 29, 2024/msh/ms

¹ (2021) 3 SCC 560.