

% 06.06.2008

Present: Ms. Aarshia Behl, Advocate for Plaintiffs.
Ms. Mamta Tiwari, Advocate with Ms. Pooja Duld and
Mr. Mukul Baweja, Advocates for Defendant No. 2.

+I.A. No. 6509/2008 & 6510/2008

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Allowed, subject to just exceptions.

CS (OS) No. 1009/2008

Learned Counsel for Plaintiffs states that she has instructions to drop Defendant No. 1 from the array of parties. Accordingly, at oral request of learned counsel for Plaintiffs, name of Defendant No. 1 is deleted from the array of parties.

Let amended memo of parties be filed in the course of the day.

I.A. No. 7227/2008 (compromise)

The parties have filed a joint application under Order 23 Rule 3 read with Section 151 CPC for recording of terms of settlement arrived at between the parties which are mentioned in para 2 of the said application. The application is signed by constituted attorney of the Plaintiff as well as authorized representative of Defendant No. 2 and their Counsel. The said application is also supported by the affidavits of constituted attorney of Plaintiffs and authorized representative of Defendant No. 2. The terms and conditions of

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settlement as incorporated in para 2 of the said application reads as follows :-

"a. The Defendants have represented and undertaken that as on the date of signing of the present Application the usage of the Plaintiff's software at its premises is licensed.

b. The Defendants undertake to pay the Plaintiffs Legal Costs and Damages, payable in the name of 'Saikrishna & Associates', amounting to Rs. 40,00,000/- (Rupees Forty Lakhs only).

c. The Defendants further undertake that they will not at any time in the future use/reproduce/store, pirated/unlicensed software titles of the Plaintiffs."

Accordingly the present suit and I.A. No. 7227/2008 are disposed of in terms of the compromise arrived at between the parties leaving the parties to bear their own costs. All interim orders passed by this Court stand vacated.

Let decree sheet be prepared incorporating therein the above mentioned terms and conditions.

Order dasti.

June 06, 2008

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Manmohan
(Vacation Judge)