

CS (COMM)1932/21  
BENNETT COLEMAN AND CO LTD Vs.  
GIFTCARTECOMMERCE PVT LTD

01.11.2021

Present: Sh. Rahul Malhotra, Id. Counsel for the plaintiff.  
Ms. Anushka Arora, Id. Counsel for the defendant nos. 1, 2 and 10.  
Defendant no. 7 on video conferencing  
Sh. Rahul Shukla, Id. Counsel for the defendant no. 7.  
Sh. Manish Kumar, Id. Counsel for the defendant no.14  
None for other defendants.

Four separate applications under Order XXIII Rule 3 filed on behalf plaintiff joined with defendant no. 1; defendant no. 2; defendant no. 7; and defendant no. 11 respectively along with respective settlement agreements and affidavits.

It has been submitted before me that defendant nos. 1, 2, 7 and 11 have reached a settlement with the plaintiff and that these defendants are prepared to suffer an injunction in terms of their respective settlement agreements and that a nominal damages of Re. 1/- has been paid by each of these defendants to the plaintiff and that the plaintiff has been satisfied with the same. These terms of settlement has been reduced into writing in the respective application under Order XXIII Rule 3 CPC read with Section 151 CPC and the accompanying settlement agreements.

I have perused the record and considered the submissions.

The terms of the respective applications and Settlement Agreements appear to be within the four corners of law. Therefore, the settlement between the plaintiff and defendant nos.

1, 2, 7 and 11 respectively is accepted. A consent decree is accordingly passed *vis-a-vis* the plaintiff and defendant nos. 1, 2, 7 and 11 and the respective settlement agreements, which for the purpose of identification are Ex. X-5, X-6, X-7 and X-8 are respectively and made an integral part of this order and the decree.

The suit stands disposed of *vis-a-vis* the plaintiff and the defendant nos. 1, 2, 7 and 11 as settled in above terms.

Ld. Counsel for the plaintiff submits that the name of the defendant no. 10 be deleted from the array of the parties. Let the statement of the ld. Counsel for the plaintiff be recorded to this effect.

In the view of the statement of the ld. Counsel for the plaintiff, defendant no. 10 is deleted from the array of the parties.

Ld. Counsel for the plaintiff seeks time to file proof of service regarding defendant nos. 5 and 9.

Plaintiff has not taken steps for service of defendant no. 6. Let the steps be taken within five days from today by all modes. Postal process be given *dasti*.

List for appearance of the served defendants and further proceedings on **18.12.2021**.

This order be posted on the website of Delhi District Courts forthwith.

Man Mohan Sharma  
District Judge,(Commercial Court)-06  
Central District, THC Court/01.11.2021/ak