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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP.No.471/2007

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Date of decision: 27th October, 2009

NAVEEN JAIN

..... Appellant

Through : Mr. Jayant Bhushan, Sr. Adv.
with Mr. Manish Bishnoi, Adv.
along with appellant.

versus

BHAJAN SINGH & ORS

..... Respondents

Through : Mr. Narendra Singh, Adv.
along with respondents.

CORAM :-

THE HON'BLE MR. JUSTICE J.R. MIDHA

1. Whether Reporters of Local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

JUDGMENT (Oral)

CM No.12644-45/2009

1. For the reasons stated in the applications, the delay in applying for restoration is condoned and the appeal is restored to its original number.
2. Both CMs stand disposed of.

MAC.APP. 471/2007

1. The parties have amicably settled their disputes. The terms of the settlement are that the appellant shall pay a sum of Rs.2,37,000/- to respondents No.1 and 2 in full and final settlement of all their claims.

2. The learned Senior Counsel for the appellant submits that the appellant has deposited a sum of Rs.1,97,000/- with the Registrar General of this Court in terms of the order dated 11th December, 2007. The learned Senior Counsel further submits that the appellant has also deposited the statutory amount of Rs.50,000/- at the time of filing of the appeal. As such, the payable amount of Rs.2,47,000/- is lying deposited with the Registrar General of this Court out of which Rs.2,37,000/- be released to respondents No.1 and 2 and the remaining amount of Rs.10,000/- be refunded back to the appellants within two weeks.

3. Respondents No.1 and 2 are present in the Court and they have been examined with respect to their financial status and financial needs. Respondent No.1 agrees that 50% of the said amount be kept in fixed deposit for a period of one year and 50% be released immediately.

4. The appeals are disposed of in terms of the said settlement. The Registry is directed to refund a sum of Rs.10,000/- to the appellant. With respect to the remaining amount of Rs.2,37,000/-, 50% of the same be released to respondents No.1 and 2 by means of two separate cheques, one in the name of respondent No.1 towards 25% of the settled amount and the second cheque in the name of respondent No.2 towards 25% of the settled amount.

5. The remaining 50% of the settled amount, i.e., Rs.1,18,500/- be kept in fixed deposit in the joint names of respondents No.1 and 2 for a period of one year and the original fixed deposit

receipt be also released to respondents No.1 and 2 with instructions to the bank that no loan or withdrawal be permitted on the said amount without the permission of this Court.

6. The learned Senior Counsel for the appellant submits that the appellant had been acquitted in the criminal case filed against him and respondents No.1 and 2 have agreed not to challenge the said acquittal order and in the event of state challenging to the said order, respondents No.1 and 2 shall provide their no objection to the settlement of the said case. Respondents No.1 and 2 shall also withdraw the execution filed by them against the appellant. Respondents No.1 and 2 accept the said condition as a part of the settlement of this appeal

7. Copy of this order be given 'Dasti' to learned counsel for the parties under the signature of Court Master.

J.R. MIDHA, J

OCTOBER 27, 2009

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