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IN THE HIGH COURT OF DELHI AT NEW DELHI

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F.A.O. (OS) No.333/2009 & C.M. Nos.11085/2009 and C.M. No.11982/09 of 2009 (to be numbered)

GURVINDER SINGH & ANR.

..... Appellants

Through: Mr. Rakesh Kumar Singh, Advocate,

versus

MANINDER PAL SINGH & ORS.

..... Respondents

Through: Mr. S. Nanda Kumar with Mr. Achin Goel,
Advocates for respondent Nos.1 to 4.

CORAM:

HON'BLE MR. JUSTICE MUKUL MUDGAL

HON'BLE MR. JUSTICE NEERAJ KISHAN KAUL

ORDER

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24.08.2009

With the consent of the parties, the appeal is taken up for hearing.

This appeal arises against the impugned order dated 9th July, 2009 passed by learned Single Judge dismissing the petition filed by the appellants under Section 9 of the Arbitration and Conciliation Act and declining an interim injunction restraining the disposal of the property in dispute.

The agreement provided that in case the agreement could not be complied with, an advance of Rs.20 lacs towards Earnest Money will be returned to the appellants along with further sum of Rs.20 lacs, i.e., the double amount of the Earnest Money.

At the suggestion of the court, both the parties and their counsel have sat together and worked out the terms of settlement and we appreciate the role played by the counsel for both the parties.

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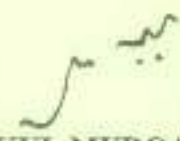
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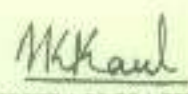
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Accordingly, the parties have filed a joint application under Order XXIII Rule 3 CPC stating the terms of settlement and the same is taken on record. The settlement provides for a payment of Rs.40 lacs to the appellants in full and final settlement of their claims in respect of the disputed property. The Registry is directed to number the said application.

The application is signed by both the parties, supported by their respective affidavits and also signed by their respective counsel. We have considered the terms of the settlement to be lawful, just and reasonable.

The appeal is accordingly disposed of in terms of the settlement application. The parties shall remain bound by the terms of settlement and the contents of the supporting affidavit. The pending application stands disposed of as well.


MUKUL MUDGAL, J.


NEERAJ KISHAN KAUL, J.

AUGUST 24, 2009
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