

35, 38 & 39.

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

+ RFA 628/2010

KOTWARA STUDIOS PVT LTD Appellant
Through : Mr. N.B. Joshi and Mr. V.S. Rawat, Advs.
along with the Mr. Muzaffar Ali, Director
of appellant company.

versus

DEEPAK AGGARWAL Respondent
Through : Mr. S.C. Singhal, Adv.

+ RFA 730/2010

DEEPAK AGGARWAL Appellant
Through : Mr. S.C. Singhal, Adv.

versus

KOTWARA STUDIOS PVT LTD Respondent
Through : Mr. N.B. Joshi and Mr. V.S. Rawat, Advs.
along with the Mr. Muzaffar Ali, Director
of respondent company.

+ RFA 799/2010

KOTWARA STUDIOS PVT LTD Appellant
Through : Mr. N.B. Joshi and Mr. V.S. Rawat, Advs.
along with the Mr. Muzaffar Ali, Director
of appellant company.

versus

DEEPAK AGGARWAL Respondent
Through : Mr. S.C. Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

01.12.2010

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1. Present matters were passed over once to enable Mr. Muzaffar Ali, Director of appellant company [in RFA No.628/2010 and RFA

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physical file have been compared and
the digital data is as per the physical
file and no page is missing.

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No.799/2010] and respondent in [RFA No.730/2010] and Mr. S.C. Singhal, learned counsel for respondent, [in RFA No.628/2010 and RFA No.799/2010] and appellant [in RFA No.730/2010] to explore the possibility of an out of court settlement.

2. Mr. R.K. Saini, was appointed as a Mediator. During the course of mediation, the parties have arrived at an amicable settlement on the following terms and conditions:

- a. Mr. Muzaffar Ali, Managing Director of the company, has requested for time to vacate the suit premises i.e. Farm House having Khasra No.23/17, 14, 15, 16 and 25/1 situated in the Revenue Estate of Dera Mandi, Tehsil Hauz Khas, New Delhi, upto 31.7.2011. Respondent has agreed to the same, subject to the condition that respondent gives an undertaking to this court and further clears all arrears of rent/damages for use and occupation @ ₹70,000/-, per month, from 1.1.2010 upto the date of handing over possession of the suit property to Mr. Deepak Aggarwal, respondent, [in RFA No.799/2010].

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b. Mr. Muzaffar Ali, Managing Director, has also undertaken to this court that vacant peaceful possession of the suit premises will be handed over to the petitioner on or before 31.7.2011 and all water and electricity charges shall be cleared upto the date of handing over possession.

3. Statement of Mr. Muzaffar Ali, Managing Director, and Mr. S.C. Singhal, Advocate, has been recorded separately.
4. In view of the settlement arrived at between the parties, Mr. Muzaffar Ali, Managing Director of the company, and Mr. S.C. Singhal, Advocate, do not wish to press their respective appeals. Parties shall be bound by the terms of settlement arrived at.
5. Accordingly, appeals stand dismissed as not pressed.
6. The court appreciates the efforts put in by the learned Mediator, the parties and their respective counsel. Since the parties have amicably resolved the matter, appellants are entitled to refund of Court fee in terms of the provisions of Section 16 of the Court Fee Act. Accordingly, Registry is directed to refund the Court fee to the appellants.

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7. The order passed today supersedes the order dated 24.11.2010 with regard to the deposit of rent/damages with the Registry.

CM NO.14723/2010 IN RFA NO.628/2010.
CM NO.20965/2010 IN RFA NO.799/2010.

8. Applications stand dismissed in view of the orders passed in the appeals.
9. Let copy of the order be given dasti to counsel for the parties under the signatures of the Court Master.

December 01, 2010

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RFA 628/2010, RFA 730/2010 & RFA 799/2010

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G.S. SISTANI, J.

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RFA

*Disposed of as
settled before
mediator*

01.12.10

- Court fees was ordered to be refunded
- However, court fees is not yet paid by appellant despite order Dn 24.11.10.
- for orders pl