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

+ **FAO 530/2011**

RAJENDER KUMAR Appellant
Through: **Mr. D.V. Goyal, Advocate.**

versus

MANIK CHAND & ANR Respondents
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **08.05.2017**

C.M. No.17566/2017 (under Section 151 CPC by legal heirs of the appellant)

1. By this application, the legal heirs of the appellant seek refund of the amount of Rs.2,70,000/- out of an amount of Rs.4 lacs which has been deposited in this Court. This prayer is made on the basis of a written settlement signed between the parties before the mediation centre of Tis Hazari Courts, Delhi. Settlement was arrived at on 17.10.2016 and which is filed from pages 7 to 12 of the present paper book. It is noted that the settlement has been accepted by the court of Sh. Naresh Kumar Malhotra, ADJ vide order dated 28.2.2017.

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2. In view of the above, the appellant is entitled to refund of an amount of Rs.2,70,000/- out of the total amount deposited in this Court. The amount of Rs.2,70,000/- be paid to the legal heirs of the deceased appellant Sh. Rajender Kumar alongwith interest accrued thereon, if any. It is also noted that as per the compromise the amount of Rs.1,30,000/- has to be given to the respondent no.1 herein and who is the plaintiff in the trial court. Accordingly, the amount of Rs.1,30,000/- alongwith accrued interest thereon, if any, be released to the respondent no.1/Sh. Manik Chand.

3. Application is allowed and disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

MAY 08, 2017

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