

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No.435 of 2012 (O&M)

Date of Decision:01.09.2015

M/s Kanpur Wool Industries and another

... Appellants

Versus

M/s Essma Textiles Pvt. Ltd.

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunish Bindlish, Advocate
for the appellants.

Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

Suit for recovery of the plaintiff-respondent was decreed by the trial Court in a sum of Rs.3,89,347/- along with *pendente lite* future interest @ 9 % per annum. Defendants-appellants remained unsuccessful in appeal before the lower Appellate Court.

During the pendency of Regular Second Appeal, matter was referred to Mediation and Conciliation Centre of this Court. Following settlement has been arrived at between the parties:-

“a) That the second party had filed a suit for recovery of Rs.1,70,000/- against the Party No.2 (photocopy of the same is placed on file). The suit filed by party No.2 was decreed in their favour, the appeal filed by the party No.1

before the Ld. Appellate Court was dismissed and the first party as now preferred as filed the above referred RSA in this Hon'ble court.

b) That the first party has handed over a demand draft of 4 lacks to Sh. Harvinder Singh S/o Sh. Parampal Singh, law officer authorized representative of the second party, authorized vide the resolution dated 8.05.2015, copy of which is being attached along with as full and final settlement of the decretal amount.

c) That the second party shall have no objection, if the appeal filed by the party No.1 is disposed of in terms of settlement arrived here at the Mediation Centre.

d) That the second party undertakes to withdrawal the execution filed by them in the Executing Court.

e) That both the parties undertake not to initiate any proceedings Civil or Criminal regarding this matter.”

Both the parties signed the agreement in token of confirmation that they have no further claims/demands against each other. All the disputes have been amicably settled by them with the process of settlement in question. It has also been agreed that they will not involve in any other litigation with reference to claim involved herein in the present case.

On 11.08.2015, the matter came up for hearing before this Court and this Court passed the following order:-

“Learned counsel for the appellant states that matter was settled before Mediation and Conciliation Centre of this Court and an amount of Rs.4 lacs was paid

towards full and final settlement. The statement of Harwinder Singh was recorded on 29.04.2015 before the Mediator, endorsing that settlement has been arrived at and he has agreed to settle the dispute by accepting full and final payment to the tune of Rs.4 lacs which has been agreed to be paid by the appellant by way of demand draft on the next date of hearing i.e. 15.05.2015. Similar statement was recorded on behalf of Sh. Padam Kumar Dalmia before the Mediator.

Learned counsel states that in pursuance to aforesaid proceedings, demand draft No.024848 dated 14.05.2015 was submitted in favour of Essma Textiles Private Limited.

At this stage, learned counsel for the appellant seeks time to apprise this Court regarding factum of receipt of payment by the company.

Adjourned to 01.09.2015.”

Today Mr. Sandeep Sharma, Advocate has appeared on behalf of Mr. Veneet Sharma, Advocate for the respondent and admits the fact of receipt of Rs.4 lacs vide demand draft No.024848 dated 14.05.2015 towards full and final settlement of claims of the respondent.

In view of settlement arrived at between the parties, this appeal is ordered to be disposed of in terms of compromise.

Decree-sheet be prepared in terms of compromise.

(RAJ MOHAN SINGH)
JUDGE

September 01, 2015