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

+ RFA No.154/2015

M/S DSC LTD

..... Appellant

Through: Mr. Sushil Kabra, Adv. with Mr.
Ishan Goel, AR of the appellant.

versus

M/S LOYAL SCAFFOLDING PVT LTD

..... Respondent

Through: Mr. Suresh Bharti, Adv. with Mr.
Amarjeet Singh, AR of the
respondent.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.05.2016

1. This appeal under Section 96 of the Code of Civil Procedure (CPC), 1908 impugns a judgment on admission and decree dated 26th November, 2014 of the Court of Additional District Judge (ADJ)-01 (West), Delhi in Civil Suit No.80/14 in the sum of Rs.2,97,317/- .
2. The claim of the respondent/plaintiff for the balance amount in the suit is pending adjudication before the learned ADJ.
3. Notice of the appeal was issued and the parties were referred to mediation.
4. Mediation has been successful with the efforts of Mr. K.K. Aggarwal, Advocate/Mediator and Settlement Agreement dated 29th April, 2016 signed by the authorised representatives of the appellant and the respondent and by their counsels and the Mediator has been received.
5. Both counsels support the settlement.

6. As per the Settlement Agreement the amount of Rs.2,97,317/- deposited by the appellant in this Court as a condition for stay of execution together with interest accrued thereon is to be released to the respondent/plaintiff and upon the appellant paying a further sum of Rs.3 lacs to the respondent/plaintiff in instalments as mentioned in the Settlement Agreement, the entire suit claim shall stand satisfied and the parties shall be left with no claim against each other.
7. The aforesaid settlement arrived at between the parties is found to be lawful and is allowed.
8. The decree under appeal is modified in terms of the Settlement Agreement and the remaining claims of the respondent/plaintiff in the suit pending adjudication before the learned ADJ stand decreed in terms of the Settlement Agreement.
9. It is further directed that the suit shall stand disposed of only upon the balance amount of Rs.3 lacs being paid as agreed and else the respondent/plaintiff shall be entitled to continue with the suit.
10. Accordingly, the appeal is disposed of by modifying the judgment and decree under appeal in terms of the Settlement Agreement and which shall form part of the decree to be passed in this appeal and leaving the parties to bear their own costs.
11. Decree sheet be drawn up.
12. The amount of Rs.2,97,317/- lying deposited in this Court together with interest accrued thereon be released forthwith to the respondent/plaintiff.

13. A certificate be issued to the appellant entitling the appellant to refund of the Court Fees paid on the appeal.

Dasti.

RAJIV SAHAI ENDLAW, J

MAY 04, 2016

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