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

FAO No. 193/2014 & CM No.11948/2014 (for stay)

RICHA INDUSTRIES LTD

..... Appellant

Through: Mr. Tanmaya Mehta, Adv.

Versus

DVINA APPARELS AND ANR

..... Respondents

Through: Mr. Anil Sharma with Mr. A. Baali,
Mr. Jaskaran Singh & Mr. Rishi
Wadera, Advs.

AND

+ RFA No. 305/2014, CM No.11931/2014 (for stay) & CM
No.11932/2014 (for condonation of 258 days delay)

RICHA INDUSTRIES LTD & ANR

..... Appellants

Through: Mr. Tanmaya Mehta, Adv.

Versus

DVINA APPARELS

..... Respondent

Through: Mr. Anil Sharma with Mr. A. Baali,
Mr. Jaskaran Singh & Mr. Rishi
Wadera, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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05.02.2016

1. RFA No.305/2014 impugns the *ex parte* judgment and decree dated 31st July, 2013 in CS No.224/12/2012 of the Court of Shri Sukhdev Singh, Additional District Judge (ADJ) (West), Delhi of recovery of Rs.3,60,000/- with interest *pendente lite* and future at 6% per annum from the appellant.
2. FAO No.193/2014 impugns the order dated 17th April, 2014 of the learned ADJ of dismissal of the application of the appellant under Order 9 Rule 13 of the CPC.

FAO No. 193/2014 & RFA No. 305/2014

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3. The matters came up before this Bench on 1st February, 2016 when the counsels were heard and some compromise proposal mooted and the matter listed for today to enable the counsels to obtain instructions. Certain further parlays have been held and the counsels after obtaining instructions from their respective clients state that the parties have agreed that upon the appellant paying a sum of Rs.1,50,000/- to the respondent within four weeks of today, the decree impugned in RFA No.305/2014 shall stand fully satisfied; it has further been agreed that in the event of the amount being not so paid, both these present appeals shall be deemed to have been dismissed and the respondent/decreed holder shall be entitled to execute the decree and the appellant would not be entitled to challenge the same; it has further been agreed that upon the said payment of Rs.1,50,000/- neither party shall be left with any claims against each other; it has further been agreed that the cheque/pay order for the said amount shall be drawn in the name of the respondent.

4. The aforesaid compromise is found to be lawful and is allowed.

5. The appeals are disposed of in terms of the aforesaid compromise.

No costs.

Decree sheet be prepared.

Copy of this order be given *dasti* under signature of Court Master.

FEBRUARY 05, 2016
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RAJIV SAHAI ENDLAW, J