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

+ RFA 412/2016

MVL LTD & ANR

..... Appellants

Through: Mr. Rishi Manchanda, Advocate with
Mr. Kunal Kher, Advocate

versus

ANKUSH GANDHI AND ANR

..... Respondents

Through: Mr. Parveen Bhati, Advocate with
Mr. Neeraj Basoya, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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22.09.2016

1. Pursuant to the order dated 06.09.2016, when the settlement arrived at between the parties was duly recorded and the appellants had agreed to pay the decretal amount to the respondents alongwith interest @ 9% per annum as detailed in the said order, counsel for the appellants states that he has brought three cheques drawn in favour of the respondents, as below:-

<u>Sr. No</u>	<u>Cheque No.</u>	<u>Date</u>	<u>Drawn on</u>	<u>Amount</u>
a)	015314	21.09.2016	Corporation Bank, Gurgaon Branch	Rs.4,19,175/-
b)	015313	21.09.2016	- do -	Rs.3,05,541/-
c)	015315	21.09.2016	- do -	Rs.10,000/-

2. Counsel for the appellants hands over a computation of the interest calculation to explain the manner in which cheques for Rs.4,19,175/- and Rs.3,05,541/- have been drawn. He states that the cheque for a sum of Rs.10,000/- is towards litigation expenses. He further states that the costs of Rs.20,000/- imposed vide order dated 09.08.2016, have already been paid to the respondents in the execution proceedings filed by them. Counsel for the appellants assures the court that the aforesaid cheques when presented, shall be duly honoured.
3. A copy of the calculation sheet has been handed over and accepted by the other side. Counsel for the respondents states that on receiving the aforesaid three cheques, nothing further survives for adjudication in the present appeal.
4. TDS certificate for an amount of Rs.33,949/-, shall be handed over by the appellants to the respondents on or before 31.12.2016. Counsel for the respondents submits he shall furnish a copy of his clients' PAN No. to the counsel for the appellants within one week from today.
5. Accordingly, while taking on record the Calculation Sheet prepared by the appellants alongwith photocopies of the three cheques handed over to the counsel for the respondent, the present appeal is disposed of.
6. At this stage, counsel for the appellants states that as the parties have arrived at a settlement prior to the commencement of hearing in the present appeal, his clients are entitled to refund of the court fee under Section 16A of the Court Fee Act.
7. Ordered accordingly. The Registry is directed to issue a certificate in favour of the appellants under Section 16A of the Court Fee Act, as per law.
8. Counsel for the respondents states that his clients are also entitled to

seek refund of the court fee deposited in the plaint. This aspect shall be considered by the trial court in Suit No.9/2014. The respondents are at liberty to approach the said court for appropriate orders.

SEPTEMBER 22, 2016

rkb/ap

HIMA KOHLI, J

