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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA No.439/2014 & CM No.15612/2016 (u/O 23 R-3 of the CPC).
SH. RAJESH KALIA Appellant
Through: Mr. Satya Prakash, Adv. along with
appellant.

versus

SH. JAGDISH SINGH & ANR Respondents
Through: Mr. Om Prakash Gupta and Mr.
Rakesh Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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29.04.2016

1. This first appeal under Section 96 of the Code of Civil Procedure (CPC), 1908 impugns a judgment and money decree dated 7th June, 2014 in CS No.461/2014 of the Court of the Additional District Judge (ADJ)-04, South District, Saket Courts, New Delhi.
2. The appeal was admitted for hearing and subject to the appellant depositing the entire decretal amount in this Court, execution was stayed.
3. A sum of Rs.7,50,000/- is stated to have been deposited.
4. CM No.15612/2016 has been filed under Order 23 Rule 3 of the CPC and which is stated to be signed by the parties and their counsels and accompanied with the affidavits of the parties. The counsels support the application.
5. It has been agreed that out of the amount of Rs.7,50,000/- deposited in this Court, a sum of Rs.6 lacs together with interest if any accrued on the total Rs.7,50,000/- shall be released to the respondent no.1 and Rs.1,50,000/- shall be released/refunded to the appellant. The compromise application also

contains a compromise with respect to certain other proceedings also between the parties.

6. The counsel for the appellant states that though the respondents were to withdraw other pending litigations but have not done so and the application be kept pending till the respondents withdraw the other proceedings.

7. The counsel for the respondents states that the steps for withdrawing the other proceedings are being undertaken.

8. Rather than keeping this application pending, it is deemed expedient to consider the same today and to pass orders thereon safeguarding the interest of the appellant.

9. The settlement as far as this appeal is concerned is found to be lawful and is allowed.

10. The judgment and decree impugned in this appeal is modified in terms of the settlement arrived at between the parties and as contained in the compromise application and its annexures.

11. The parties are left to bear their own costs.

12. Decree sheet be drawn up.

13. The amount lying deposited in this Court be released in terms of the settlement aforesaid, only after the respondents have complied with their part of the compromise.

14. The parties to appear before the Registrar (Judicial) for the said purpose on 31st May, 2016.

15. After the satisfaction of the Registrar is recorded, a certificate be also issued to the appellant for refund of Court Fees paid on this appeal as

the settlement was arrived at before the Delhi Mediation Centre, Patiala House Court, New Delhi.

RAJIV SAHAI ENDLAW, J

APRIL 29, 2016
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