

\$~11.

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

+ **RFA 661/2016 & CMs No.32460 & 32462/2016**

M/S ALKA ENTERPRISES & ORS.

..... Appellants

Through: Mr. Sandeep P. Aggarwal and
Mr. Pratyush Miglani, Advocate with
Mr. Manu Kapur, partner of the appellant No.1 in
person
versus

MOHD ZUBAIR

..... Respondent

Through: Mr. Sanjeev Bajaj, Advocate with
respondent in person

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

%

06.12.2016

1. Appearance is entered by learned counsel for the respondent who states that he shall be filing his power of attorney within two days.
2. Counsels for the parties state that apart from the summary suit instituted by the respondent against the appellants for recovery of a sum of Rs.20 lacs along with interest, subject matter of the present appeal, the respondent had also filed a complaint against the appellants under Section 138 of the Negotiable Instruments Act which had culminated in an order dated 9.11.2016, passed by the learned MM, Tis Hazari Courts, Delhi whereunder, a sentence of imprisonment for a period of six months has been awarded to the appellant No.2 and a penalty of Rs.31 lacs has been imposed against the appellants No.1 & 2 collectively.
3. Counsels for the parties jointly stated that thereafter, the parties have been able to negotiate an amicable settlement whereunder, the appellants

have agreed to pay a sum of Rs.31 lacs to the respondent on or before 5.3.2017, in full and final settlement of all his claims against them, subject matter of the present appeal and the complaint case. It has been agreed that a sum of Rs.10 lacs shall be paid by the appellants to the respondent on or before 15.1.2017 and the balance amount shall be paid on or before 5.3.2017.

4. The appellant No.2 who is the partner of the appellant No.1 firm undertakes for and on behalf of the appellant No.1, partnership firm as also on behalf of his wife, who is the other partner in the appellant No.1 firm that they shall abide by the settlement recorded above as also the agreed timeline for payment of the amount of Rs.31 lacs to the respondent. In case of any default, the respondent shall be at liberty to seek recovery of the entire amount, subject matter of the impugned judgment and decree, through execution.

5. The appellant No.2 and the respondent are present in court. They undertake to abide by the settlement recorded hereinabove.

6. With the consent of the parties, the appeal along with the pending applications are disposed of, in terms of the settlement recorded hereinabove.

7. In token of acceptance of the settlement arrived at and recorded above, the parties shall affix their signatures on the margin of the order sheet alongwith the counsels.

HIMA KOHLI, J

DECEMBER 06, 2016
mk/rkb