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

+ CS(OS) 2526/2010

SAJJAN PAL

..... Plaintiff

Through: Mr. D.K. Pandey, Advocate.

versus

USHA MEHTA

..... Defendant

Through: Mr. Pradeep Dewan, Senior
Advocate with Ms. Anupam Dhingra,
Advocate with Mr. Salil Kapur,
attorney holder of defendant.
Mr. S.K. Thukral, Court Receiver in
person.

+ CS(OS) 2639/2012

USHA MEHTA

..... Plaintiff

Through: Mr. Pradeep Dewan, Senior
Advocate with Ms. Anupam Dhingra,
Advocate with Mr. Salil Kapur,
attorney holder of plaintiff.

versus

SAJJAN PAL & ANR

..... Defendants

Through: Mr. D.K. Pandey, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **02.05.2016**

I.A. No.5367/2016 and CS(OS) No.2526/2010

I.A. No.5369/2016 and CS(OS) No.2639/2012

1. Applications are not signed by the defendants. Attorney of the

CS(OS) 2526/2010 & CS(OS) 2639/2012

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defendant is present in person and he is allowed to sign the applications.

2. Both the suits will stand disposed of as per the settlement between the parties recorded before the Delhi High Court Mediation & Conciliation Centre on 19.4.2016. Original of the agreement dated 19.4.2016 has been filed in the Court. In terms of the settlement, plaintiff in CS(OS) No.2526/2010 has received a sum of Rs.30 lacs today in the Court and which is given to the counsel for the plaintiff by cheque no.731765 dated 19.4.2016 drawn on Indian Overseas Bank, Paschim Vihar Branch, 175, Avtar Enclave, New Delhi-110063. The balance amount of Rs.10 lacs has already been paid to the plaintiff in terms of the settlement dated 19.4.2016. Plaintiff accordingly withdraws his suit CS(OS) No.2526/2010.

3. Since CS(OS) No.2526/2010 is being withdrawn the connected suit being CS(OS) No.2639/2012 is also not pressed partially in terms of the settlement but the same is decreed so far as the relief of possession of suit property bearing no.C-105, Sri Sai Baba CGHS, Plot No.4, Sector-9, Rohini, Delhi-110085. Possession of the suit property as of today is with the Court Receiver who is appointed by this Court and the Court Receiver is directed to hand over possession of the suit property to the defendant in

CS(OS) No.2526/2010 and who is the plaintiff in CS(OS) No.2639/2012. Court Receiver has already been paid a sum of Rs.75,000/- towards his fees. Receiver has put his locks on the suit property and visited the suit property on few times. In my opinion, therefore, a sum of Rs.75,000/- is more than enough for the Court Receiver and there cannot be enhancement of fees as is requested by the Court Receiver. When possession is handed over by the Court Receiver to the plaintiff in CS(OS) No.2639/2012, at that stage, the plaintiff in CS(OS) No.2526/2010 will remove whatever are his goods lying in the suit property.

4. Suits and the applications are accordingly disposed of in terms of aforesaid observations. Decree sheet be drawn in CS(OS) No.2639/2010.

VALMIKI J. MEHTA, J

MAY 02, 2016

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