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

+ RFA 620/2016

SANJAY KUMAR

..... Appellant

Through: Mr. P.K. Rawal, Advocate with
appellant in person.

versus

DEVENDER TARA

..... Respondent

Through: Mr. Rajesh Rattan, Advocate with
respondent in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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05.10.2016

CM APPL. 36902/2016 (joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that during the pendency of the appeal, they have arrived at an out of court settlement. The terms and conditions of the settlement have been set out in para 3 of the application, whereunder the appellant has agreed to hand over the actual vacant peaceful possession of the suit premises to the respondent and in view of the same, the respondent has agreed not to press the relief of *mesne* profits against the appellant.

2. Counsels for the parties state on instructions that physical possession of the suit premises has already been handed over by the appellant to the respondent and therefore, request that the present application may be allowed. Counsel for the respondent adds that now that the parties have

arrived at an out of court settlement, the respondent shall withdraw the execution petition pending in the trial court and he undertakes not to assail the impugned judgment for seeking enhancement of the *mesne* profits, as awarded.

3. The Court has perused the present application. The same has been signed by the appellant and the respondent and their respective counsels and is supported by the affidavits of the signatories to the application. The parties are also present in person and they confirm that the aforesaid settlement has been arrived at between them of their own free will and volition and without any undue influence or coercion from any quarters.

4. Accordingly, the present application is allowed and the appeal is disposed of.

5. File be consigned to the record room.

OCTOBER 05, 2016
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HIMA KOHLI, J