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

+ RFA 634/2014

YUSUF

..... Appellant

Through: Mr. Anish Gupta, Adv

Versus

M/S VIJAY STEELCON PVT LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.01.2016

1. The appeal impugns the money decree for Rs.4,10,428/- with interest at 9% per annum from the date of filing of the suit till realisation.
2. The appeal came up before this Court first on 5th December, 2014 when notice whereof was ordered to be issued and execution stayed subject to deposit of the decretal amount.
3. The appellant however has not taken any steps for service of notice on the respondent and has also not deposited the decretal amount and the appeal has been adjourned from time to time. On the last date of hearing i.e. 10th August, 2015, the counsel for the appellant informed that the matter had been settled and an application will be filed in this Court.
4. The counsel for the appellant today states that an application to place the Settlement Agreement dated 16th December, 2015 executed by the appellant on record has been filed on 18th January, 2016 but the same has not been listed. A copy thereof is handed over in the Court and taken on record.
5. The Court Master to also call for the original application.

6. As per the settlement pleaded by the appellant, the respondent has agreed that on payment of Rs.4,00,000/- by the appellant, the claim of the respondent under the decree shall stand satisfied. The counsel for the appellant states that out of the said sum of Rs.4,00,000/-, Rs.1,00,000/- remains to be paid and of which post dated cheque dated 20th May, 2016 has been issued. The counsel for the appellant states that thereafter this appeal shall be withdrawn.

7. It is not deemed necessary to keep this appeal pending.

8. The appeal is dismissed as withdrawn with liberty to the appellant to apply for revival if need arises.

No costs.

RAJIV SAHAI ENDLAW, J

JANUARY 20, 2016
'gsr'..