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

+ RFA 362/2015 & CMs No.9962/2015 (for interim relief) & 9961/2015 (for condonation of 76 days delay in filing the appeal)

SHIV SHANKR TIWARI Appellant
Through: Mr. Peeyoosh Kalra and Ms. Sana Babbar, Advs.

Versus

M/S S K EDUCATIONS PVT. LTD. Respondent
Through: Mr. Asit Tewari, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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26.05.2016

1. This first appeal under Section 96 of Code of Civil Procedure, 1908 (CPC) impugns the judgment and money decree dated 25th November, 2014 of the Court of Additional District Judge (ADJ) Central-09, Tis Hazari Courts, Delhi in CS No.250/2013 bearing UID No.02401C0500782012.

2. Notice of the appeal and the application for condonation of 76 days delay in filing the appeal and of the application for stay was issued. Vide order dated 26th April, 2016, the parties were referred to the Mediation Cell of this Court.

3. Mediation has been successful with the efforts of Ms. Sujata Kashyap, Advocate / Mediator and a Settlement Agreement dated 2nd May, 2016 purported to be signed by the appellant and the authorised representative of

the respondent as well as by one Sh. Uma Shankar Tiwari stated to be the brother of the appellant as well as by the Advocates for the parties and the Mediator has been received.

4. The counsels support the Settlement Agreement and state that in terms thereof, the monies due not only in these proceedings but also in two other litigations, have been paid.

5. The settlement as contained in the Settlement Agreement is found to be lawful and is allowed.

6. The impugned judgment and decree is modified in terms of the Settlement Agreement which shall form part of the decree sheet, leaving the parties to bear their own costs.

7. Decree sheet be drawn up.

8. The counsel for the appellant seeks refund of the court fees.

9. Allowed.

10. A certificate is directed to be issued entitling the appellant to get refund of the court fees paid on the appeal.

RAJIV SAHAI ENDLAW, J.

MAY 26, 2016

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